

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MAY 3, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 38

### HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

#### THE SPEAKER (MATTHEW J. RYAN) PRESIDING

#### PRAYER

REV. B. PENROSE HOOVER, senior pastor of Salem Lutheran Church, Lebanon, Pennsylvania, offered the following prayer:

Let us pray:

Holy God, You have given us this good land, this fair State, as our heritage to care for and to pass on to coming generations. Make us always remember Your generosity and constantly do Your will. Bless our Commonwealth with honest industry, truthful education, and an honorable way of life. Save us from violence, discord, and confusion; from pride and arrogance; and from every evil course of action. Make us whose forebears came from many nations with many languages a united people. Defend our liberties, and bless those gathered here who hold office in the government of the Commonwealth of Pennsylvania – the Representatives who serve in this House, those who serve in the Senate, the Governor, the Lieutenant Governor, and all elected officials. Guide them to carry out their work this day and every day in the spirit of public trust and with wisdom, kindness, and justice. Help them use their authority and power of office to promote the general welfare of all Pennsylvania's citizens. Let us continually trust in Your guidance, that the actions taken in this chamber may reflect Your will for all. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, May 2, 1995, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The Chair recognizes the gentleman, Mr. Barley, who requests a leave of absence for the lady from Lancaster County, Mrs. TRUE, for today's session. Without objection, leave is granted.

The Chair recognizes the gentleman, Mr. Itkin, the minority whip of the Democratic Party, who requests leave for the gentleman from Philadelphia, Mr. EVANS; the gentleman from Armstrong, Mr. PESCI; and the gentleman from Allegheny, Mr. MICHLOVIC, for today's session. Without objection, leaves are granted.

#### BILL REMOVED FROM TABLE

The SPEAKER. The Chair turns to today's tabled bill calendar and urges the members, out of curiosity, to take a look at HB 394 on page 2 of that calendar, and I believe you will see the longest titled bill in the history of the legislature.

The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 394, PN 399, be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 394, PN 399, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 416, HB 552, and HB 841 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 416, HB 552, and HB 841 be recommitted to the Committee on Appropriations.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**MASTER ROLL CALL**

The SPEAKER. The Chair is about to take today's master roll. Members will proceed to vote.

The following roll call was recorded:

**PRESENT—199**

Adolph	Egolf	Lucyk	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayermik	Sheehan
Belardi	Gamble	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boscola	Gladeck	Micozzie	Steelman
Boyes	Godshall	Mihalich	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish
Butkovitz	Habay	Nicol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Tangretti
Carn	Hasay	Oliver	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Petrarca	Thomas
Chadwick	Hershey	Petrone	Tigue
Civera	Hess	Pettit	Travaglio
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Piccola	Trich
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colaella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rublely	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker
Durham			

**ADDITIONS—0****NOT VOTING—0****EXCUSED—4**

Evans                      Michlovic                      Pesci                      True

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the House certain students from Harrisburg Academy, located in Wormleysburg, as the guests of Representative Vance. Among these guests is the daughter of Representative Coy's staff person, the lady, Deborah Ridgeway, who keeps Mr. Coy functioning properly. There he is. Mr. Coy, I had to say that. I apologize if that embarrasses you. Would the students from Harrisburg Academy kindly rise. They are in the back of the House.

Today, I might add, the new visitors center was opened, and among the first group to tour the new visitors center was this group of students from Harrisburg Academy. We are very proud to recognize them today, as we were very proud to open the new visitors center.

Today we have a guest page of Representative Sheila Miller: Ben Wissinger from Berks County. Ben is a senior at Wilson High School. Ben, would you please rise. He is here by the majority leader's desk.

As the guests of Representative Ellen Bard, the Abington Township Republican chairman, Bill Lynott, and his wife, Betty. They are here today as the guests of Representative Bard and were kind enough to host me at a dinner not too long ago. Would the guests please rise.

We also have today, as guests of Representative Armstrong, two girls participating in the Shadowing Program from Elizabethtown High School: Sharon Butz and Adrienne DeFrank. They are here today as the guests of Representative Armstrong. Would these two young ladies please rise. They are in the balcony.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. I have been asked, as a matter of internal security, to advise the members of the House, for I guess obvious reasons, that security at this building is going to pick up, and that ingress and egress from the underground parking, you have noticed, have improved somewhat, and from now on, the placards that have been provided to you will be visibly displayed on the way into the building. That has not been enforced. It will be enforced. So you are advised that if you park underground or on the Capitol Plaza, you will display your placards and be in a position to identify yourselves, ourselves, in the future, and this is something that is long overdue, I suspect.

CALENDAR

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. HB 1474 is over for the day.
HB 1475 is over for today.
Page 2. All of the bills on page 2 are over for today.

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The House proceeded to third consideration of HB 36, PN 1773, entitled:

An Act regulating the check-cashing industry, providing for the licensing of check cashers, for additional duties of the Department of Banking and for certain terms and conditions of the business of check cashing, and providing penalties.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-198

- Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Battisto, Bebko-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Carone, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Cornell, Durham, Egolf, Fairchild, Fajt, Fargo, Farmer, Feese, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadowiec, James, Jarolin, Josephs, Lloyd, Lucyk, Lynch, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayermik, McCall, McGeehan, McGill, Melio, Merry, Micozzie, Mihalich, Miller, Mundy, Nailor, Nickol, Nyce, O'Brien, Olasz, Oliver, Perzel, Petrarca, Petrone, Pettit, Phillips, Piccola, Pistella, Pitts, Platts, Preston, Ramos, Santoni, Sather, Saylor, Schroder, Schuler, Scrimenti, Semmel, Serafini, Shaner, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stetler, Stish, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, Tulli, Vance, Van Horne, Veon, Vitali

- Corpora, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Kaiser, Keller, Kenney, King, Kirkland, Krebs, Kukovich, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Raymond, Readshaw, Reber, Reinard, Richardson, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Rubley, Rudy, Sainato, Walko, Waugh, Williams, Wogan, Wozniak, Wright, D. R., Wright, M. N., Yewcic, Youngblood, Zimmerman, Zugs, Ryan, Speaker

NAYS-0

NOT VOTING-1

Washington

EXCUSED-4

Evans, Michlovic, Pesci, True

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

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The House proceeded to third consideration of HB 729, PN 808, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for escrow funds.

On the question,
Will the House agree to the bill on third consideration?

Mr. PISTELLA offered the following amendment No. A2323:

Amend Title, page 1, line 5, by removing the period after "funds" and inserting

, for residential and commercial property, for custodial expenses and for renewal of leases.

Amend Sec. 1 (Sec. 511.1), page 2, line 14, by striking out the bracket before "(e)"

Amend Sec. 1 (Sec. 511.1), page 2, line 14, by inserting after "residential"

and commercial

Amend Sec. 1 (Sec. 511.1), page 2, line 15, by striking out the bracket after "property."

Amend Sec. 1 (Sec. 511.2), page 2, line 18, by inserting a bracket before "Two"

Amend Sec. 1 (Sec. 511.2), page 2, line 19, by inserting after "all"

] One Year.-(a) All

Amend Sec. 1 (Sec. 511.2), page 2, line 21, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 511.2), page 2, line 21, by inserting after "residential"

or commercial

Amend Sec. 1 (Sec. 511.2), page 2, line 22, by striking out the bracket after "property"

Amend Sec. 1 (Sec. 511.2), page 3, lines 5 and 8, by inserting a bracket before "then" in line 5 and after "expenses" in line 8 and inserting immediately thereafter

the lessor shall be entitled to receive from the interest accrued on the security money so deposited, a sum equivalent to cover the reasonable administrative or custodial expenses imposed by the custodial institution for holding that certain sum

Amend Sec. 1 (Sec. 511.2), page 3, line 13, by inserting brackets before and after "second" and inserting immediately thereafter first

Amend Bill, page 3, by inserting between lines 13 and 14 Section 2. The act is amended by adding a section to read:

Section 513. Retaliation Prohibited.—A landlord may not refuse to renew a lease or otherwise retaliate against a tenant for filing a complaint against a landlord or for joining a tenants association.

Amend Sec. 2, page 3, line 14, by striking out "2" and inserting 3

On the question,  
Will the House agree to the amendment ?

The SPEAKER. The gentleman, Mr. Pistella, is recognized.  
Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I submitted the amendment. However, I do not know if it has been duplicated and distributed to the membership at this point.

I have been informed by the clerk that it has.  
The SPEAKER. I am advised that it has been distributed.  
Mr. PISTELLA. Thank you, Mr. Speaker.

If I could, Mr. Speaker, this amendment does the following four things: The first thing it does is it spells out specifically, the leases to be covered shall be classified as either "residential" or "commercial." Second, it drops from 2 years to 1 year the amount of time that the security deposit can be held in escrow in order to qualify for receiving a return on the interest that has been accrued, that will be passed on to the tenant. The third thing that it does is it sees to it that any administrative costs that are incurred by the landlord for the security deposit being held in escrow shall be taken from the interest that has been earned on that security deposit and not from the body of the security deposit, the amount of money that was submitted. The last thing that this does is provides for a prohibition against retaliation in that a landlord may not refuse to renew a lease in retaliation for a tenant either filing a complaint against the landlord or for joining a tenants association.

I would like to draw to the attention of the members the fact that I have introduced the language of this particular amendment in the past in the form of a House bill that has been referred to the Committee on Consumer Affairs. I appreciate any consideration that the members could give to the adoption of this amendment today. Thank you.

The SPEAKER. The Chair thanks the gentleman.  
The Chair recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

I rise to oppose the Pistella amendment for the following reason: The purpose of the legislation is to bring the commercial leases into compliance with the existing Landlord and Tenant Act. The gentleman not only is changing the commercial language that we are trying to accomplish, he is actually changing the residential Landlord Act with these changes. For example, allowing a landlord to receive

an amount from the interest of the security deposit does not provide a fair amount for the lessee to go towards the administrative expenses.

Now, as far as reinserting the word "residential" and also inserting the word "commercial," that is really six of one, a half a dozen of the other. It has the same effect of what I am trying to do.

As far as not renewing the tenant's lease or any retaliation against, that exists presently in the law.

So I would ask the members to oppose the Pistella amendment, because we did not want to get into changing the Landlord Act the way it exists. We just want the commercial leases to comply with the residential Landlord Act. Thank you.

On the question recurring,  
Will the House agree to the amendment ?

The following roll call was recorded:

YEAS-97

Battisto	Donatucci	Lucyk	Sainato
Bebko-Jones	Fajt	Manderino	Santoni
Belardi	Gamble	Markosek	Scrimenti
Belfanti	George	Mayernik	Shaner
Bishop	Gigliotti	McCall	Staback
Blaum	Gordner	McGeehan	Steelman
Boscola	Gruitza	Melio	Stetler
Butkovitz	Haluska	Mihalich	Sturla
Buxton	Hanna	Mundy	Surra
Caltagirone	Horsey	Olasz	Tangretti
Cappabianca	Itkin	Oliver	Thomas
Carn	James	Petrarca	Tigue
Cawley	Jarolin	Petrone	Travaglio
Cohen, M.	Josephs	Pistella	Trello
Colafella	Kaiser	Preston	Trich
Colaizzo	Keller	Ramos	Van Horne
Corpora	Kirkland	Readshaw	Veon
Corrigan	Kukovich	Richardson	Vitali
Cowell	LaGrotta	Rieger	Walko
Coy	Laughlin	Roberts	Williams
Curry	Lederer	Robinson	Wozniak
Daley	Lescovitz	Roebuck	Wright, D. R.
DeLuca	Levdansky	Rooney	Yewcic
Dermody	Lloyd	Rudy	Youngblood
DeWeese			

NAYS-101

Adolph	Fairchild	Lynch	Schroder
Allen	Fargo	Maitland	Schuler
Argall	Farmer	Major	Semmel
Armstrong	Feese	Marsico	Serafini
Baker	Fichter	Masland	Sheehan
Bard	Fleagle	McGill	Smith, B.
Barley	Flick	Merry	Smith, S. H.
Birmelin	Gannon	Micozzie	Snyder, D. W.
Boyes	Geist	Miller	Stairs
Brown	Gladeck	Nailor	Steil
Browne	Godshall	Nickol	Stern
Bunt	Gruppo	Nyce	Stish
Carone	Habay	O'Brien	Strittmatter
Chadwick	Harhart	Perzel	Taylor, E. Z.
Civera	Hasay	Pettit	Taylor, J.
Clark	Hennessey	Phillips	Tulli
Clymer	Herman	Piccola	Vance
Cohen, L. I.	Hershey	Pitts	Waugh
Conti	Hess	Platts	Wogan
Cornell	Hutchinson	Raymond	Wright, M. N.
Dempsey	Jadlowiec	Reber	Zimmerman
Dent	Kenny	Reinard	Zug
DiGirolamo	King	Rohrer	

Druce	Krebs	Rubley	Ryan,
Durham	Lawless	Sather	Speaker
Egolf	Leh	Saylor	

NOT VOTING-1

Washington

EXCUSED-4

Evans	Michlovic	Pesci	True
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration?  
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

Does the gentleman wish to be recognized on final passage? The Chair recognizes the gentleman, Mr. Adolph.  
Mr. ADOLPH. Thank you, Mr. Speaker.

What this legislation will be doing is it will bring the commercial property security deposits under the security deposit provisions of the current Landlord and Tenant Act.

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Adolph, is entitled to be heard. There is entirely too much conversation on the floor. This is a short calendar today, so we need only a short attention span.

The gentleman may proceed.

Mr. ADOLPH. And I will be very brief, Mr. Speaker.

This legislation came about because of a constituent of mine who moved his business from Philadelphia into Delaware County and was required to put a considerable amount of money into a security deposit. He was shocked to find out that under the commercial laws, this security deposit was not required to be put into an escrow account, and he felt that this considerable amount of money— He had too much of a chance if the owner of the building would go bankrupt or whatever, and he felt that it should be in a security deposit, similar to the existing law of residential properties. The amount was close to \$5,000, and a lot of times the landlord and the tenant negotiate where the security deposit goes. However, what this bill does is simply have the landlord put the money into a security deposit, the same way as the existing Landlord and Tenant Act goes. The first 2 years is interest-free, and on the third year, the landlord is required to pay interest on the security deposit.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-199

Adolph	Egolf	Lucyk	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayernik	Sheehan
Belardi	Gamble	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boscola	Gladeck	Micozzie	Steelman
Boyes	Godshall	Mihalich	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish
Butkoviuz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Tangretti
Carn	Hasay	Oliver	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Petrarca	Thomas
Chadwick	Hershey	Petrone	Tigue
Civera	Hess	Pettit	Travaglio
Clark	Horshey	Phillips	Trello
Clymer	Hutchinson	Piccola	Trich
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rubley	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans	Michlovic	Pesci	True
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

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The House proceeded to third consideration of **HB 961, PN 1078**, entitled:

An Act providing for dual party relay services and for telecommunication device distribution.

On the question,  
Will the House agree to the bill on third consideration ?

Mr. **PHILLIPS** offered the following amendment No. **A2084**:

Amend Sec. 3, page 3, line 14, by removing the period after "living" and inserting  
or selected not-for-profit agencies having experience in serving persons with hearing or speech disabilities.

On the question,  
Will the House agree to the amendment ?

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Phillips.

Mr. **PHILLIPS**. Thank you, Mr. Speaker.

On amendment A0284, OVR (Office of Vocational Rehabilitation) in this bill administers a program on telecommunication device distribution, and they have designated the centers for independent living to handle that program. What I have done in this amendment is I have added "...selected not-for-profit agencies having experience in serving persons with hearing or speech disabilities," at the request of some who thought maybe in their area that the centers for independent living maybe were incapable of doing the distribution, so this would open it up to other nonprofit organizations.

I would ask for your support.

On the question recurring,  
Will the House agree to the amendment ?

The following roll call was recorded:

YEAS-199

Adolph	Egolf	Lucyk	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayernik	Sheehan
Belardi	Gamble	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boscola	Gladeck	Micozzie	Steelman
Boyes	Godshall	Mihalich	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish
Butkovitz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Tangretti

Carn	Hasay	Oliver	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Petrarca	Thomas
Chadwick	Hershey	Petrone	Tigue
Civera	Hess	Pettit	Travaglio
Clark	Horsley	Phillips	Trello
Clymer	Hutchinson	Piccola	Trich
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rubley	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans	Michlovic	Pesci	True
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,  
Will the House agree to the bill on third consideration as amended ?  
Bill as amended was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally ?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-199

Adolph	Egolf	Lucyk	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayernik	Sheehan
Belardi	Gamble	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boscola	Gladeck	Micozzie	Steelman
Boyes	Godshall	Mihalich	Steil

Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish
Butkovitz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Tangretti
Carn	Hasay	Oliver	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Petrarca	Thomas
Chadwick	Hershey	Petrone	Tigue
Civera	Hess	Pettit	Travaglio
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Piccola	Trich
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colaella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rublely	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans	Michlovic	Pesci	True
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

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The House proceeded to third consideration of **HB 1095, PN 1220**, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for the return of contributions.

On the question,  
Will the House agree to the bill on third consideration?  
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-199

Adolph	Egolf	Lucyk	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayernik	Sheehan
Belardi	Gamble	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boscola	Gladeck	Micozzie	Steelman
Boyes	Godshall	Mihalich	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish
Butkovitz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Tangretti
Carn	Hasay	Oliver	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Petrarca	Thomas
Chadwick	Hershey	Petrone	Tigue
Civera	Hess	Pettit	Travaglio
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Piccola	Trich
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colaella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Richardson	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rublely	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans	Michlovic	Pesci	True
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

## INTERROGATION

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. For what purpose does the Democrat floor leader rise?

Mr. DeWEESE. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. Will the gentleman state it.

Mr. DeWEESE. My question would be more for planning purposes than a parliamentary inquiry, but I need to ask the gentleman, Mr. Perzel, the majority leader, a question. If he would stand for interrogation on the calendar, I would be most appreciative.

On page 2 of today's calendar, HB 1479, it is in our collective best interests for our membership to know the majority leader's intent. Will the majority leader allow for us to amend the proposal, and naturally, we would all be advanced if appropriate notice is given, and if it is not the intent of the majority leadership to run the capital budget bill, could he give some indication as to when that time might be forthcoming?

The SPEAKER. The majority leader yields to Mr. Pitts, the majority Appropriations Committee chairman.

Mr. PITTS. Mr. Speaker, this is not the capital budget bill. This is the overall authorization for all of the capital budgets, but we are not going to be taking amendments for projects to this bill.

Okay. This is HB 1479 or HB 1480 that you are talking about?

Mr. DeWEESE. HB 1479, yes, sir.

Mr. PITTS. I misspoke. I am sorry.

The SPEAKER. The gentleman, Mr. Perzel, is recognized.

Mr. PERZEL. Mr. Speaker, it is available for amendments on Monday.

The SPEAKER. The majority leader has indicated, in response to the gentleman's query whether amendments could be offered, that amendments can be offered on Monday.

Mr. DeWEESE. Up until 2 o'clock on Monday. They do not have to be drafted today?

The SPEAKER. Whatever the rules say.

Mr. PERZEL. Until 2 o'clock today, Mr. Speaker.

Mr. DeWEESE. That is the point. I was trying to ask for a clarification.

The SPEAKER. Well, it is a rule. Just read it.

Mr. DeWEESE. If I am still recognized in this interrogatory—

The SPEAKER. The gentleman is recognized.

Mr. DeWEESE. —it was motivated by the fact that there are some areas of confusion among many of us, and Mr. Pitts' comments are indicative of some momentary vexation. I think that the members of our chamber, and especially this side, need to be aware of the fact that HB 1479, if they want to amend it, has to be amended by 2 o'clock today, and that is why I am at the microphone.

Thank you, Mr. Speaker, very much.

The SPEAKER. The gentleman, Mr. DeWeese, has he completed his interrogation or conversation with the majority leader?

Mr. DeWEESE. Yes, Mr. Speaker, not only completed it but also thank the presiding officer for his indulgence.

The SPEAKER. To his satisfaction?

The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, parliamentary inquiry.

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. LLOYD. On the issue of amendments to HB 1479, as I read the bill, the bill appears to be restricted to capital projects to be

funded out of Key 93. Is the answer of the majority leader that this is a bill which is open to any capital budget amendment, or is his position that the only capital budget amendments which should be prepared by 2 o'clock today are those which would be funded out of Key 93?

Mr. PERZEL. Only those projects that would come out of Key 93.

Mr. LLOYD. So therefore, Mr. Speaker, I think the concern that was expressed about not having time for amendments may not be quite as great because probably most people are not going to have those kinds of amendments. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. PERZEL. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I realized this week that there is a lot of confusion about—

The SPEAKER. Will the gentleman yield.

There is a lot of confusion on the floor. I think it would serve us all well to listen to the debate, if you will, if indeed it is debate, between the majority and minority leaders. At least it is information that will serve all of us, including the Speaker. It deals with our calendar. It deals with next week. It deals with next month.

Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I realized earlier this week that a lot of the members are not fully aware of the way the rules have been changed and the way they are implemented. I have instructed my staff to prepare a memo which will outline exactly the way the rules are supposed to — actually, the way they are working, so that there will not be any confusion on either side of the aisle about how to do amendments to the bills.

Under the rules changes that we took 2 years ago, the calendar is not the bible; the schedule is the bible. The schedule is on the computer, but that will be in the memo. The calendar is only a guide, although it is an accurate reflection of what is on the computer, so you should be looking on Wednesday to the computer, which outlines exactly what we will be doing next week. That will be on the computer tomorrow, but that will all be outlined in a memo. Please take the time to read the memo so you understand how the rules work. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeWeese, is recognized.

Mr. DeWEESE. With your indulgence, I did not inquire of the majority leader a discourse on the rules. I wanted to know more about the capital budget. I wanted to know how the capital budget was going to be developed and when it was going to be presented. I think we are learning a little bit as we go along, but I did not need a discourse on the rules.

The SPEAKER. The Chair did. The Chair thanks the majority leader.

The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I realize that Mr. DeWeese understands the rules. That was not for Mr. DeWeese. A lot of the members on both sides of the aisle are very confused about the way the rules work. We are having a memo drafted so the members can understand exactly when the bills come out, why they come out, why they go to Appropriations, and when they can amend and when they cannot amend. We are just trying to give them the information, Mr. Speaker; that is all. It is not for Mr. DeWeese; it is for the members.

The SPEAKER. The Chair thanks the gentleman.



### GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker are guests of the Speaker. The Chair welcomes Kathie and Christopher Rooney, wife and son of Brian Rooney, the calendar clerk; and their friends, Robert and Brian Kuzma. Would the guests please rise.

Guests of Representative Merle Phillips to the left of the Speaker: Ginny Treon, fourth grade teacher at Shikellamy School District. I did not think I could get through that one. Would the teacher please rise. She is to the left of the Speaker.

And as the guest of Representative Conti, Dr. Marvin Hunter. He is also seated to the left of the Speaker. Would the doctor please rise.

The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, we will hold HB 1479 over until Tuesday to give the members on the other side of the aisle ample opportunity to get their amendments drafted.

The SPEAKER. The Chair thanks the gentleman.

The Chair thanks the gentleman, Mr. DeWeese, for calling this to the attention of everyone. Mr. DeWeese did not hear me.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. M. N. WRIGHT. Mr. Speaker, could I have a clarification? I have a misconception of maybe the rules. I thought we had recently, when we made our rules changes, said that amendments were allowed up to 2 o'clock the day before. I always took that as a change from a session day before to a business day before. Is it a business day or is it a session day?

The SPEAKER. Session day.

Mr. M. N. WRIGHT. Okay. Thank you.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1174, PN 1776**, entitled:

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, further providing for investment of authority funds.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel. Mr. PERZEL. Thank you, Mr. Speaker.

Originally we had told our side of the aisle that we were holding HB 1174 over because of all the amendments. We since have found that there is an agreement between Representative Kukovich and Representative Butkowitz that all the amendments will be withdrawn with the exception of ones that are agreed to by the municipal authorities. So with that in mind, Mr. Speaker, we are bringing up HB 1174.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **KUKOVICH** offered the following amendment No. **A2262**:

Amend Title, page 1, line 14, by inserting after "for" purposes and powers and for

Amend Sec. 1, page 1, line 17, by striking out "Section 7.1" and inserting

Subsection B of section 4

Amend Bill, page 1, by inserting between lines 18 and 19 is amended by adding a clause to read:

Section 4. Purposes and Powers; General.— \* \* \*

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

\* \* \*

(h.3) To maintain an annual listing of customer complaints on all issues relating to service and rates and to make such complaint records available for inspection by customers of the Authority and to permit any customer of the Authority to make photocopies and extracts of these complaints at reasonable costs and times as determined by the board.

\* \* \*

Section 2. Section 7.1 of the act,

Amend Sec. 2, page 4, line 30, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

As the majority leader said, there has been some agreement on the amendments that were posted. There are three amendments that I intend to offer which have been agreed to after a morning meeting with half a dozen representatives of either the municipalities association or individual municipalities. I have also had a discussion with the prime sponsor of the bill, who can agree to the three amendments that I will offer.

I would like the members to keep in mind that this discussion has been going on since the mideighties about ways to deal with the accountability of authorities, and as a result of that, there was a resolution passed by this chamber in the early nineties, a report that was completed in 1992, which in essence led to legislation being introduced and includes the thrust of most of these amendments. The agreement that was reached between myself and representatives of the various authorities is that they are in agreement with these three amendments and are willing to work in the future towards some of the other issues that were brought up within the resolution.

So at this point what I would do is offer 2262, which very simply says that all customer complaints would be maintained and kept for the public to review. This was called for in the Local Government Commission's report where they said, based on a survey of all of the authorities, these records were not being kept.

Again, this has been agreed to, and I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

Mr. Speaker, on your amendment 2262, are we saying that the municipal authorities only or whoever receives these phone calls and the authority is responsible for being able to collect the list of those

people's complaints, and also, could you give me a clearer definition as far as what constitutes a complaint?

Mr. KUKOVICH. Mr. Speaker, it would be within the discretion of the authority to list complaints. The language of the amendment says "...complaints on all issues relating to service and rates and to make..." those "...available for inspection by customers..." So if it is a complaint that is not related to service and rates, they would not have to maintain that. Other than that, I think the language is fairly clear.

Mr. PRESTON. So in other words, if someone just calls up and says, my rates are too high, the authority would have to be able to keep that person's name and address and phone number?

Mr. KUKOVICH. That is correct.

Mr. PRESTON. Would this also— For an example, in the city of Pittsburgh we have a Mayor's Service Center where a lot of people have a habit of being able to call in there and list their complaints. Would this mean that if we have any affiliation with the city of Pittsburgh, I mean, if an authority has any affiliation with the city of Pittsburgh, being that this is a governing and appointing authority, would that also have to keep a record?

Mr. KUKOVICH. No, it does not.

Mr. PRESTON. Would you say that this is an unfunded mandate?

Mr. KUKOVICH. No. It puts no burden on local governments or local municipalities, and it would just maintain a list of consumer complaints that would certainly not be costly.

Mr. PRESTON. So in other words, for an example, if an authority has several hundred thousand customers and it receives 10,000 calls that relate to rates or service, whether it is a waterline, a leak, a meter, service, low pressure, and as far as a hospital zone, they would be required to be able to keep a list of those records, and for how long would they have to maintain those records?

Mr. KUKOVICH. It says annually, Mr. Speaker.

I would also make two other responses. According to the hearings that were held, according to a conversation I just had this morning, the percentage of complaints is very, very low, so the hypothetical you raised has never occurred.

Secondly, most authorities at least keep some log of the calls. They simply do not list them as complaints and make them available.

Thirdly, the authorities do not see this as a burden or they would not have agreed to it.

Mr. PRESTON. Well, Mr. Speaker, I serve currently as the chairman of the Water and Sewer Authority of Pittsburgh where we have several hundred thousand customers, and I take light to your statement. Maybe for some of the smaller authorities, but sometimes when we have regional and district offices, where we have district supervisors and different garages, different pumping stations where people may call, what we would be forced to do under a two-people office, maybe we have six different divisions — and also including public works and cleaning of the sewers, those are also contractors — I think the people need to be able to realize that it is an unfunded mandate; it is additional staff, unfortunately, that we would have to be able to hire.

Within our authority currently right now, we just passed a 9-percent rate increase and possibly looking at even more. I think that it is clearly that this is, to me, an unfunded mandate of forcing people to be able to keep an awful lot of records, and also as different water authorities expand, I reach different concerns on that.

I cannot speak for some of the other smaller authorities, but to me, this is an unfunded mandate, and personally I am going to ask for

the members not to be able to support this amendment. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Franklin County, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, would the sponsor of the amendment stand for interrogation?

He says he will.

The SPEAKER. The gentleman, Mr. Kukovich, indicates he will stand for interrogation. The gentleman, Mr. Fleagle, may proceed.

Mr. FLEAGLE. Mr. Speaker, just a point of clarification. The bill itself — and this is on the amendment, but I just want to refer to the bill — the bill itself deals with amending specific sections for first- and second-class counties and third-class cities. Does this amendment apply to other counties as well or to all authorities, and just to go a little further, and maybe we can save some time, do your other amendments do the same thing?

Mr. KUKOVICH. Yes to both questions.

Mr. FLEAGLE. So these amendments will refer to all municipal authorities in the State?

Mr. KUKOVICH. That is correct.

Mr. FLEAGLE. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Coy, on the question of the Kukovich amendment.

Mr. COY. Will the gentleman stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman may proceed.

Mr. COY. Mr. Speaker, if this was covered in a previous interrogation and I failed to hear it, I apologize. You are having the same trouble.

The SPEAKER. Will the gentleman yield.

The conferences in the vicinity of the gentleman, Mr. Kukovich, please break up; in the vicinity of the gentleman, Mr. Coy, break up.

The gentleman may proceed.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, what I am concerned about and the question that I have has to do with exactly which types of complaints have to be kept.

If the question was asked and answered, I apologize, but I want to ask about the keeping of complaints by telephone. If 40 folks call complaining about a rate or whatever and the calls are made obviously by the telephone, what is the requirement that this amendment would enforce upon the municipal authority?

Mr. KUKOVICH. That they would simply keep a listing of the complaint about service or rate.

Mr. COY. And if they get 50 letters of complaint, must they keep the letters on file and for how long?

Mr. KUKOVICH. For 1 year.

Mr. COY. I am not going to raise the question of a fiscal note, Mr. Speaker, but I have a concern about how much this may cost and who, if indeed ratepayers of whatever authority is covered are going to end up paying more simply because we have higher administrative costs.

Mr. KUKOVICH. Mr. Speaker, the fiscal note says that there will be no fiscal impact on Commonwealth funds, and it would depend on the charge that the authorities might make for copies, and if they charge for various copies, according to the fiscal note, there would be no fiscal impact on authorities' funds.

Mr. COY. So the assumption is then that the authority would have enough time and employees of the authority to cover whatever costs would be involved with something like this.

Mr. KUKOVICH. I think common sense would dictate that.

Mr. COY. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—124

Argall	DiGirolamo	Lloyd	Sather
Armstrong	Donatucci	Lucyk	Scrimenti
Barley	Druce	Manderino	Shaner
Battisto	Egolf	Markosek	Staback
Bebko-Jones	Fairchild	Masland	Steelman
Belardi	Fajt	Mayernik	Stern
Belfanti	Fargo	McCall	Stetler
Birmelin	Gamble	McGeehan	Stish
Bishop	George	Melio	Strittmatter
Blaum	Gordner	Mihalich	Sturla
Boscola	Gruitza	Mundy	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Callagirone	Hennessey	Oliver	Taylor, J.
Cappabianca	Herman	Perzel	Thomas
Carn	Hershey	Petrone	Tiguc
Carone	Itkin	Phillips	Travaglio
Cawley	James	Pistella	Trello
Clark	Jarolin	Pitts	Trich
Cohen, L. I.	Josephs	Ramos	Tulli
Colafrilla	Kaiser	Readshaw	Vance
Colaizzo	Keller	Richardson	Van Horne
Corpora	Kenney	Rieger	Veon
Corrigan	Kirkland	Roberts	Vitali
Cowell	Krebs	Robinson	Washington
Curry	Kukovich	Roeback	Williams
Daley	LaGrotta	Rooney	Wogan
DeLuca	Laughlin	Rubley	Wright, M. N.
Dent	Lederer	Rudy	Yewcic
Dermody	Lescovitz	Sainato	Youngblood
DeWeese	Levdansky	Santoni	Zimmerman

NAYS—73

Adolph	Fleagle	Major	Schroder
Allen	Flick	Marsico	Schuler
Baker	Geist	McGill	Semmel
Bard	Gigliotti	Merry	Serafini
Boyes	Gladeck	Micozzie	Sheehan
Brown	Godshall	Miller	Smith, B.
Browne	Gruppo	Nickol	Smith, S. H.
Bunt	Habay	Nyce	Snyder, D. W.
Chadwick	Harhart	Olasz	Stairs
Civera	Hasay	Petrarca	Steil
Clymer	Hess	Pettit	Walko
Conti	Horsey	Piccola	Waugh
Cornell	Hutchinson	Platts	Wozniak
Coy	Jadlowiec	Preston	Wright, D. R.
Dempsey	King	Raymond	Zug
Durham	Lawless	Reber	
Farmer	Leh	Reinard	Ryan,
Feese	Lynch	Rohrer	Speaker
Fichter	Maitland	Saylor	

NOT VOTING—2

Cohen, M. Gannon

EXCUSED—4

Evans Michlovic Pesci True

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,  
Will the House agree to the bill on third consideration as amended?

Mr. KUKOVICH offered the following amendment No. **A2266**:

Amend Title, page 1, line 14, by removing the period after "funds" and inserting

and for conveyance by authorities to municipalities or school districts of established projects.

Amend Bill, page 4, by inserting between lines 29 and 30

Section 2. Section 18 of the act is amended by adding a subsection to read:

Section 18. Conveyance by Authorities to Municipalities or School Districts of Established Projects.—\* \* \*

A.1. Following any transfer of a project pursuant to this section, the municipality or municipalities, including an incorporated town or towns or home rule municipality or municipalities, which have acquired the project shall retain the reserves received from the Authority which have been derived from operations in a separate fund, which reserves shall be used only for the purposes of operating, maintaining, repairing, improving and extending the project. Money received from the Authority which represents the proceeds of financing shall be retained by the municipality or municipalities in a separate fund which shall be used only for improving or extending the project or other capital purposes related thereto.

\* \* \*

Amend Sec. 2, page 4, line 30, by striking out "2" and inserting

3

On the question,  
Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Once again, this is an amendment that the Municipal Authorities Association and various members of different authorities have gone over, have told me, just a few hours ago, that they are in agreement.

The thrust of this is to prevent a commingling of funds. For the most part, this is not a problem, but in order to prevent any future problems, the language in the statute would make it clearer that funds could not be commingled.

I think this should be one of the easier votes, and I would ask for an affirmative vote.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-194

Adolph	Druce	Lucyk	Saylor
Allen	Durham	Maitland	Schroder
Argall	Egolf	Major	Schuler
Armstrong	Fairchild	Manderino	Scrimenti
Baker	Fajt	Markosek	Semmel
Bard	Fargo	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Micozzie	Steelman
Boscola	Gigliotti	Mihalich	Steil
Boyes	Gladeck	Miller	Stern
Brown	Godshall	Mundy	Stetler
Browne	Gordner	Nailor	Stish
Bunt	Gruitza	Nickol	Strittmatter
Butkovitz	Gruppo	Nyce	Sturla
Buxton	Habay	O'Brien	Surra
Callagirono	Haluska	Olasz	Tangretti
Cappabianca	Hanna	Oliver	Taylor, E. Z.
Carn	Hasay	Perzel	Taylor, J.
Carone	Hennessey	Pertrone	Thomas
Cawley	Herman	Pettit	Tigue
Chadwick	Hershey	Phillips	Travaglio
Civera	Hess	Piccola	Trello
Clark	Hutchinson	Pistella	Trich
Clymer	Itkin	Pitts	Tulli
Cohen, L. I.	Jadlowiec	Platts	Vance
Cohen, M.	James	Preston	Van Horne
Colafrilla	Jarolin	Ramos	Veon
Colaizzo	Josephs	Raymond	Vitali
Conti	Kaiser	Readshaw	Walko
Cornell	Keller	Reber	Washington
Corpora	Kenney	Reinard	Waugh
Corrigan	King	Richardson	Williams
Cowell	Kirkland	Rieger	Wogan
Coy	Krebs	Roberts	Wozniak
Curry	Kukovich	Robinson	Wright, D. R.
Daley	LaGrotta	Roebuck	Wright, M. N.
DeLuca	Laughlin	Rohrer	Yewcic
Dempsey	Lawless	Rooney	Youngblood
Dent	Lederer	Rubley	Zimmerman
Dermody	Leh	Rudy	Zug
DeWeese	Lescovitz	Sainato	
DiGirolamo	Levdansky	Santoni	
Donatucci	Lloyd	Sather	Ryan, Speaker

NAYS-5

Farmer	Horsley	Lynch	Petrarca
Harhart			

NOT VOTING-0

EXCUSED-4

Evans	Michlovic	Pesci	True
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. KUKOVICH offered the following amendment No. A2268:

Amend Title, page 1, line 14, by inserting after "providing" for governing bodies and

Amend Bill, page 1, lines 17 and 18, by striking out all of said lines and inserting

Section 1. Section 7 heading and clause (a) of subsection A of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, amended March 14, 1978 (P.L.12, No.7), is amended and the subsection is amended by adding a clause to read:

Section 7. [Governing Body] Authority Board.—A. The powers of each Authority shall be exercised by [a governing body] an Authority board (herein called the "Board") composed as follows:

(a) If the Authority is incorporated by one municipality the board shall consist of such number of members not less than five as shall be set forth in the articles of incorporation or amendment thereto. The governing body of such municipality shall appoint the members of the board, whose terms of office shall commence on the date of appointment. One member shall serve for one year, one for two years, one for three years, one for four years and one for five years from the first Monday in January next succeeding the date of incorporation or amendment, and if there are more than five members of the board, their terms shall be staggered in a similar manner for terms of from one to five years from the first Monday in January next succeeding. Thereafter whenever a vacancy has occurred by reason of the expiration of the term of any member, the [said] governing body of such municipality shall appoint a member of the board for a term of five years from the date of expiration of the prior term to succeed the member whose term has expired.

(a.1) Whenever a vacancy occurs on an Authority board, the municipality responsible for filling the vacancy shall publicly advertise that such vacancy exists and that qualified persons have ten days from the date of the advertisement to contact the governing body concerning their desire to fill the vacancy. A governing body appointing or reappointing a member of the board under this section shall make the appointment or reappointment at a special public meeting devoted solely for assessing the qualifications of all prospective appointees. Each prospective appointee shall be interviewed by the governing body at the special public meeting. The governing body shall provide a reasonable opportunity for residents of the municipality to offer public comment on the qualifications of the prospective appointee.

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Section 2. Section 7.1 of the act,

Amend Sec. 2, page 4, line 30, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the Kukovich amendment 2268, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

The purpose of this amendment is to deal with those occasions when there is a vacancy on the board of an authority or there is a time limit that has run up and there is a reappointment process.

There have been some problems throughout the Commonwealth with this process. It is one of the few times whenever the general public could have an opportunity to deal with the elected officials of that county or township or local municipality that makes the appointment.

All this amendment does is allow public input and open up the process so there could be at least 1 day of a hearing whenever the individual who is the prospective appointee would be brought before a public meeting.

There is also a fiscal note to this amendment, and it says there would be no fiscal impact on the Commonwealth.

I would ask for a "yes" vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Mayernik, from Allegheny County on the question of the Kukovich amendment.

Mr. MAYERNIK. Thank you, Mr. Speaker.

As I review the amendment, it states that there has to be a public meeting publicly advertised and that all prospective appointees will be interviewed and each prospective appointee shall be interviewed by the governing body.

When I think about the city of Pittsburgh that has the water authority and—

The SPEAKER. Will the gentleman, Mr. Mayernik, yield.

Conversations on the floor, please cease. Members will please take their seats.

The Chair recognizes the gentleman.

Mr. MAYERNIK. Thank you, Mr. Speaker.

What Mr. Kukovich is attempting to do with the openness and the accountability I admire and I agree with, but I disagree with the language that he is using to attempt to achieve this goal. It is very problematic, and I believe that there is cost involved.

I would ask at this time, Mr. Speaker, if there is a fiscal note on this amendment.

Mr. KUKOVICH. Mr. Speaker, I referred in my opening remarks to the fiscal note. The amendments that were all identical and drafted to the original printer's number all had fiscal notes; they have been distributed. This language is identical to the previous amendment except there is now a changed printer's number on the bill. The fiscal note says that there would be no fiscal impact.

Mr. MAYERNIK. Mr. Speaker, rule 19 does not permit you to switch the printer's numbers nor to switch the amendment numbers.

I would again ask the gentleman, is there a fiscal note on this amendment?

Mr. KUKOVICH. Mr. Speaker, there is not a fiscal note to this amendment with this number, but it is identical to the amendment drafted to the prior printer's number.

Obviously, we should try to do all we can to save money and reduce excessive paperwork, and I think it is reasonable to—

Mr. MAYERNIK. Mr. Speaker, the answer is yes or no; yes or no, Mr. Speaker. Is there a fiscal note to this amendment?

Mr. KUKOVICH. I had already answered, Mr. Speaker. It is on the record.

### PARLIAMENTARY INQUIRY

Mr. MAYERNIK. I would ask for a ruling from the Chair.

The SPEAKER. I was afraid of that.

To the best recollection of the Speaker and the Parliamentarian, this is a novel question.

The Chair is ruling that no fiscal note is necessary. The spirit of the rule is met by the presence of fiscal notes for the exact same language on another amendment that simply has a different printer's number to it. If there was any change whatsoever in the language, the Chair's ruling would be different. If there was any change in the amendment, the Chair's ruling would be different. However, the idea of a fiscal note is to provide information to the members as to the cost of the amendment and the effect of the amendment on governments' fiscal policies, and I feel that the spirit of that is intact with the provision that has been made by the supplying of fiscal notes by

Mr. Kukovich for these amendments, although to a different printer's number.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Although I disagree with the Speaker's interpretation of the black letter of the law of rule 19, I will abide by the Speaker's ruling.

If I may proceed.

The SPEAKER. The Chair thanks the gentleman and of course recognizes him.

Mr. MAYERNIK. Thank you.

Mr. Speaker, may I question the maker of the amendment?

The SPEAKER. The gentleman consents to interrogation.

Mr. MAYERNIK. Thank you.

Mr. Speaker, in your amendment on line 37 it refers to a special public meeting devoted solely for assessing the qualifications of all — all — prospective appointees.

I would like to give you a hypothetical. In the case of Allegheny County Port Authority or Allegheny County Sanitary Authority, Alcosan, they serve approximately 500,000 people at Alcosan. If 1 percent of those people would apply, 5,000 people, would there have to be a public meeting for all 5,000 people?

Mr. KUKOVICH. No, Mr. Speaker. The language is not for applicants. It is for the prospective appointee for each position. If there is a vacancy on the board for some reason or reappointment because of a vacancy, only the one individual, the prospective appointee, would be obliged to be at the meeting.

Mr. MAYERNIK. So to clarify this for a matter of the record, if there are 5,000 applicants, the board could pick one applicant that they intend to appoint, have a special public meeting, and only that one applicant, the prospective appointee, would be required to be interviewed by the governing body at the special meeting.

Mr. KUKOVICH. That is correct, and that is the intention.

Mr. MAYERNIK. All right. And if I may proceed on the portion regarding the "publicly advertise" on lines 31 and 32, could you explain to me your intentions of how an authority would publicly advertise?

Mr. KUKOVICH. Well, that is simply boilerplate language for any public notice that any authority or local municipality would have to provide.

The existing law is that it is normally a newspaper in that area of appropriate circulation.

Mr. MAYERNIK. And in my case, we would be— The city of Pittsburgh would advertise, so anybody that receives the Pittsburgh Post-Gazette could apply even though that area would not include the service area of the Pittsburgh Water Authority or Alcosan?

Mr. KUKOVICH. That would depend on how the existing law is interpreted. It sounds like it would.

Mr. MAYERNIK. So if I received the paper in New York, I could make an application? If I received the Pittsburgh Post-Gazette and noticed the advertisement, I could make an application living in New York?

Mr. KUKOVICH. I do not think the question is applicable to this situation. The language simply says the same as the existing law for any notice that would need to be provided. The only burden is on the authority to make sure the notice is provided in an appropriate paper. I think your question deals with somebody who might get notice somewhere else, and I do not understand the relevancy.

Mr. MAYERNIK. Let me be a little more direct then, if I may.

If the Pittsburgh Water Authority advertises for a position on the board, a vacancy, can they restrict the appointment of the vacancy only to the city of Pittsburgh?

Mr. KUKOVICH. This language has no effect on that, Mr. Speaker.

Mr. MAYERNIK. So it would be purely up to the municipality to decide the residency of the appointee. If they wanted to limit it solely to the city of Pittsburgh, that would be legal?

Mr. KUKOVICH. Whatever the existing law is, Mr. Speaker.

Mr. MAYERNIK. Okay. On the last page of your amendment, what is the existing law regarding that, sir?

Mr. KUKOVICH. As it relates to the authorities?

Mr. MAYERNIK. Yes.

Mr. KUKOVICH. To the best of my knowledge, there is discretion as to their hiring practices regionally.

Mr. MAYERNIK. We are dealing with the appointment process though, regarding the appointment process.

Mr. KUKOVICH. They have the same flexibility.

Mr. MAYERNIK. So they could limit it to their city of Pittsburgh if they wished?

Mr. KUKOVICH. You bet.

Mr. MAYERNIK. And the last page of your amendment says, "...offer public comment..." Is there any limit on the public comment? Could somebody go up there and filibuster for hours and hours regarding a candidate?

Mr. KUKOVICH. Mr. Speaker, this is language identical to existing law as it relates to local municipalities, public school boards, et cetera, where public comment would be allowed.

All those various entities do have the ability to restrict the agenda and how long someone can speak in public.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I just wanted that to be a matter of record — that it could be restricted, that someone could not speak for hours upon hours to delay an appointment to any type of authority or board.

That will conclude my statements for now, Mr. Speaker.

The SPEAKER. The gentleman is completed or interrogation is completed?

Mr. MAYERNIK. Interrogation is completed. I will reserve my comments for later after Mr. Stairs speaks.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I certainly want to make a comment on this amendment.

I understand the maker of the amendment. I can see his concerns, and I appreciate his attempt trying to improve municipal authorities and make them more responsible and certainly improve the climate in which they exist in the Commonwealth. But I refer to his amendment, and the reason why I oppose this amendment is, as I read the writing in this amendment, I think it is going to be quite cumbersome and not very efficient, because as I verbatim read this, "Each prospective appointee shall be interviewed by the governing body at the special public meeting." I take this interview to mean that they will actually be there to be interviewed. "The governing body shall provide a reasonable opportunity for residents of the municipality to offer public comment on the qualifications of the prospective appointee."

So I do agree with the maker of the amendment on his intent, but I think that as the amendment is spelled out, it is going to be quite cumbersome and burdensome to a municipal authority, and I think because of the excess restraints he puts on the authority, we will

probably restrict them getting the best people sometimes and maybe not serve the purpose he wants to. So I have to oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Preston, from Allegheny County.

Mr. PRESTON. Thank you, Mr. Speaker.

I also rise to oppose amendment 2268 and primarily for some of the following reasons when you sit down and look at some of the situations and problems under the Municipality Authorities Act: Within Allegheny County, we would be talking about an awful lot of different authorities, whether they are industrial development authorities, whether they are housing authorities, urban redevelopment authorities, water authorities. In Philadelphia, for an example, the authority that is an intergovernmental agency to work around with some of the suburban counties of Philadelphia, which even the State happens to also get a couple of appointments to, is a form of a governing authority as far as their port authority?

No? I stand corrected.

My mayor in the city of Pittsburgh also would duplicate itself from Alcosan, which is a multigovernmental subunit authority. The city of Pittsburgh also has a water authority, housing authorities, urban redevelopment authorities. In the county, there is also a hospital authority. These governing units appoint board members as far as authorities under the Municipality Authorities Act under the Commonwealth of Pennsylvania. It seems to me that when you have one county in roughly a year that appoints hundreds and hundreds of people and possibly during a beginning of a year thousands of people, and I read the language according to the amendment, and it says, "A governing body appointing or reappointing a member of the board under this section shall make the appointment or reappointment at a special public meeting devoted solely for assessing the qualifications of all prospective appointees." This means that we would be forcing a mandate on municipalities for governmental subunits in this Commonwealth to publicly be able to hold a meeting. Now, I am not saying that they cannot hold them all, but within my governmental subunit, namely the city of Pittsburgh and also the borough of Wilkinsburg, under the different authorities they have and because he is appointing members every single month, depending on whether it is every month they have to have a public meeting, on a quarterly basis, but to be able to do this, there is going to be some cost.

There would also be cost advertising, whether it is in a legal journal or a regular newspaper, as far as advertising in a periodical, but there is also additional cost enforcing perhaps the staff, depending on public input, whether it was in the afternoon or whether it was in the evening.

Now, my borough of Wilkinsburg meets three times a week and perhaps they may be able to incorporate that, but a lot of times in the borough of Wilkinsburg they are actually there until 10 or 11 o'clock at night.

I have a strong concern with the additional staff time. Also, you must have a reporter, a court reporter, at most times as far as public meetings are concerned. Also, we would be adding additional legal staff and other administrative staff that may be able to be there. Within the city of Pittsburgh, there are some boards that have up to over 26 people on a board. This means as they come up for reappointment, that there would be required possibly a public hearing on this type of an issue. When you have other different boards that might have 20 or 30 people on it, this is a continuous appointment process.

This is really an unfunded mandate on our municipalities. I do not think we really need to be able to do this. I do have problems with the Municipality Authorities Act over the years, and I do not think that this is the forum that we need to be looking at this issue. We need to look at the Municipality Authorities Act in total and not be able to look at it from a very parochial stand that is so, in my opinion, very narrow.

I would ask for a negative vote on the Kukovich amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Van Horne, from Westmoreland County.

Mr. VAN HORNE. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman will stand for interrogation. The gentleman, Mr. Van Horne, may begin.

Mr. VAN HORNE. Mr. Speaker, would you please explain to me and the members, does this amendment affect authorities solely within one municipality or does it affect regional authorities, because I just need some clarification on your language on dealing with line 13, "If the Authority is incorporated by one municipality...." and then again on line 31 about "...the municipality responsible for filling the vacancy...." Could you clarify, are we talking about an authority entirely within one municipality or are we talking about regional authorities here?

The SPEAKER. Will the gentleman yield.

We have this amendment, maybe two more amendments, and then one bill and one resolution. So please, let us just hold it down a little while longer and let this process move, but the noise level, when it is high, I think just delays the process.

Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

The amendment applies only to sewer, water, and solid waste authorities, and they can be an individual municipality or regional, again, as they are comprised under existing law.

Mr. VAN HORNE. Well, you said some are regional, but in your language you make references to one municipality, the municipality. I mean, are you talking— Not all regional authorities, I do not believe, have responsibility for each municipality to have a seat on the board. So I just need some clarification here.

Mr. KUKOVICH. Obviously, it is very easy if it is just one municipality. Where there are some regional municipalities, and there was a case in Representative Mayernik's district where there is one municipality that is operating regionally but the appointment procedure, et cetera, is all within one. So it would only have to be done by that particular municipality. There are some other variations of these types of boards where each municipality may have representation. Again, the purpose drafted is to make this as simplistic as possible, and where there is individual responsibility from a community, they and only they would have the obligation for a special meeting.

The SPEAKER. The Chair recognizes the gentleman, Mr. Mayernik, for the second time on the amendment.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I agree with the gentleman, Mr. Kukovich's overall objectives to open this, but I disagree with the language that he utilizes, because it is very vague. I agree with his attempts to achieve his goal, but the vagueness of the language— And I refer to my prior questioning of Mr. Kukovich where he states on line 37, "...a...public meeting devoted solely for assessing the qualifications of all"— and again I emphasize—"all prospective appointees," and he then goes on to say, "Each prospective appointee shall be interviewed...." This is

burdensome, time consuming. You could have everyone under the sun applying for an appointment.

In the case of what I mentioned with the City of Pittsburgh Water Authority, 500,000 people, if 1 percent apply, that is 5,000 interviews. My interpretation of Mr. Kukovich's language as written in this amendment means that that authority would have to interview all 5,000 people in a public meeting and then hear from anyone in the public regarding any one of those 5,000 people that wanted to be on the City of Pittsburgh Water Authority.

This is ludicrous; it is time consuming; it is overburdensome to the municipality, and we should vote against this amendment because of the language contained in it. I agree with his intent.

As a result, I would ask for a negative vote on this amendment and would be happy to work with Mr. Kukovich for clarifying language at a later time. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

To respond to some of the statements that were made and to clear up the inaccuracies in those statements, this does not relate to any industrial development authority, any housing authority, any type of hospital authority. It is very clear that just sewer — and if it is not clear, let it be clear — that it is sewer, water, and solid waste.

In terms of this possibly being cumbersome, if it is cumbersome to hold a public meeting to try to lift a veil of secrecy that does occur in some communities, then we have got a real problem with that. If a local municipality cannot hold one lousy meeting for a particular appointment, if we cannot even be that open, then we have got some major problems out here.

I would also suggest that this concept about it being burdensome, it is very clear from the language — again, this language appears other places — if the authorities thought it was a problem, they would have complained. It is simply not to have any applicant who throws their name in to be interviewed or to be interviewed publicly. It is for the prospective appointee so the general public will know, whenever these individuals who sit on these boards and eventually have some control over millions and hundreds of millions of dollars, they will at least have one opportunity at one point to have some input into that process and understand how that process works rather than have us continue to perpetuate the perception that something underhanded is being done.

Part of the problem here and I think a major reason why a lot of authorities support this is that they do not want to be tainted by a potential scandal. Most authorities are operating very well and they are proud of those individuals who they will pick as appointees to their boards. To have them appear one time in public and have those persons' credentials be placed on the table and show what an excellent appointment they may be can put an end to that type of perception and I think help the work of the authorities.

What we have here, especially since the fiscal impact, of course, to the Commonwealth is none, whatever fiscal impact there is to have a meeting is nominal. This is not an unfunded mandate. If anything, it is just a mandate to have an open process so that people can start to have a restored faith in the way business is done with these, as the Harrisburg Patriot said, \$23 billion of money in this Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, the Democratic whip, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, when I first began listening to the discussion on the floor, I really had no special position. I was going

to support the sponsor of the amendment, since he claimed that this was agreed to by the Authorities Association, and it seemed to make sense.

However, hearing some of our colleagues speak about the cumbersome nature of this amendment, about requiring municipalities, especially the large ones, to advertise and to receive a large number of applicants and then be forced or required to interview, the municipality, the council, like in Pittsburgh, the Pittsburgh City Council would have to sit down and perhaps interview 100 or 200 applications for an authority vacancy, I think requires too much of the municipal governing body. It would seem to me if the amendment was more tempered and gave discretion on the part of the municipality as to whether they had to interview each one and every one of these applicants, it might have made more sense.

Consequently, I think that if we pass his amendment, we are really opening up a Pandora's box to a lot of problems with respect to our municipalities when they have to fill such vacancy, especially in the larger communities where with the invitation to serve on an authority board in a public way you might receive hundreds of applications and then be forced to have to interview each one of them at a special meeting of the city council or of the borough council.

So I would say to the members of the House today that I think that this amendment is poorly drafted, and I cannot support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Mihalich, from Westmoreland County desires recognition. The gentleman is recognized.

Mr. MIHALICH. Thank you, Mr. Speaker.

I would like to reiterate what the prime sponsor of the amendment said earlier. Perhaps the previous speaker was not in a position to listen to the remarks, but for his benefit and for others who may have the same question in mind, the language in the amendment talks about applicants and talks about prospective appointee. Those are two different things. You might have thousands of applicants, but after a screening process that the agency would go through, prospective appointee or appointees certainly would not include every applicant.

I think that is apparent on the face of it. I think it was a sufficient explanation before, and I hated to come up here and address the House to reiterate something that I thought had been made abundantly clear earlier, but there is a difference between applicant and prospective appointees, and I would think that that would satisfy the previous speaker's question. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs, for the second time on the question.

Mr. STAIRS. Thank you, Mr. Speaker.

Mr. Speaker, as I stood a few moments ago and raised my opposition to this amendment, I was remiss in not saying one more comment.

Certainly as I had mentioned and other speakers had mentioned about the cumbersome nature of this, I would also want to add that if we do this, if this amendment passes and this bill passes, are we setting a precedent here that every local authority, every local board, every governing body in the Commonwealth would certainly have to have this same type of procedure?

If indeed we do it here, we should do it for every other one, and then are we going to make it — it is so difficult now to get local people to serve in local government — are we going to make it so complex and so complicated that all good people and people who want to

serve are turned off by the system and the hoops they have to go through; are we going to discourage good and competent people from serving on boards and authorities?

So I think for the reasons that were mentioned, we all should vote in opposition to this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Preston, for the second time on the question.

Mr. PRESTON. Thank you very much, Mr. Speaker.

In relationship to some of the past comments and in dealing with the words about "each prospective appointee," in my governing body the mayor is the appointing person, and I cannot imagine, in most cases, an elected official who receives enough applications from a public notice is going to go around and say, as the scenario that Mr. Mayernik gave, if there were 10 or 500 applications that came in for a relative appointment, I do not think that he is going to publicly be willing to sit down and to discuss and whittle down the number without giving anybody a chance for anybody to be able to have a public hearing.

In my experience from working under civil service rules and regulations, when you talk about a prospective appointee, it is different. He has not been nominated for the appointment yet, and that means that anybody who turns in an application becomes prospective, and usually that has been held up by the court under the civil service rules and regulations, and this would cover any appointment or reappointment, so it does not just affect, according to the language, a vacancy that may happen from someone being able to move, and again I say it says appointed or reappointed.

I again would ask for a negative vote on the amendment.

## PARLIAMENTARY INQUIRY

### REQUEST TO DIVIDE AMENDMENT

The SPEAKER. The lady, Ms. Carone, is recognized.

Ms. CARONE. Thank you, Mr. Speaker.

I understand the issue and I think it is very important that we have the best folks that we can find to serve on authorities, but I do not believe I can support the amendment as it is written because of some of the reasons already raised by other members.

I would like to ask a question parliamentary, whether we could divide the amendment and that we could go from lines 30 to 34, allowing for the vacancy to be advertised so that people know that there is a vacancy and that qualified persons have 10 days from that date to contact the governing body concerning their desire to fill the vacancy, and we may not even need to go — If that is possible. No?

The SPEAKER. No. That would not be a proper division.

Ms. CARONE. Okay. Thank you very much.

I can certainly support that, because I think it is important for people to know there is a vacancy available, for the qualified persons to support that, so that if we can arrive at that kind of language when it is later an opportunity, I could support that. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, very briefly. I understand the rationale for the introduction of the amendment and I understand that common sense would dictate that the more open this process is and the more open we have the situation for appointment of members is also an argument which has some degree of merit, but I will tell you that in



certain parts of the State, especially in rural parts of the State, service on authorities like this is no glamour job. It is no job for which people take it all the time for personal aggrandizement or emoluments, and rather, it is oftentimes hard to get people. It is the same thing with school boards; it is the same thing with a lot of local government offices. It is harder and harder to get people to serve, and if you force people to go through a public situation where they sit before a tribunal of citizens for whatever reason and be questioned about whatever, it is more than many of us go through to be elected to public office at times, and I think that we ought to think twice about that before we push one more requirement on folks who are willing to serve in a local position of some degree of authority.

I am going to oppose the amendment, and I do so not simply at the risk of saying that this is against openness and this is against more openness in government and more access to authorities, but I am concerned that good people will not serve if they are forced to go through a process of this sort. Thank you, Mr. Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-76

Bebko-Jones	Daley	Lloyd	Staback
Belardi	Dent	Manderino	Steelman
Belfanti	DeWeese	McCall	Stetler
Bishop	Gamble	McGeehan	Strittmatter
Blaum	George	Melio	Sturla
Boscola	Gordner	Mihalich	Surra
Butkovitz	Hanna	Mundy	Tangretti
Buxton	James	Oliver	Thomas
Caltagirone	Jarolin	Petrone	Tigue
Cappabianca	Josephs	Platts	Travaglio
Carn	Kaiser	Reber	Trich
Cawley	Keller	Richardson	Van Horne
Clark	Kirkland	Roberts	Veon
Cohen, L. I.	Kukovich	Robinson	Vitali
Cohen, M.	LaGrotta	Roebuck	Washington
Colafrilla	Laughlin	Rooney	Williams
Corpora	Lederer	Rudy	Wozniak
Corrigan	Lescovitz	Scrimenti	Yewcic
Curry	Levdansky	Shaner	Youngblood

NAYS-123

Adolph	Fargo	Lynch	Sainato
Allen	Farmer	Maitland	Santoni
Argall	Feese	Major	Sather
Armstrong	Fichter	Markosek	Saylor
Baker	Fleagle	Marsico	Schroder
Bard	Flick	Masland	Schuler
Barley	Gannon	Mayernik	Semmel
Battisto	Geist	McGill	Serafini
Birmelin	Gigliotti	Merry	Sheehan
Boyes	Gladeck	Micozzie	Smith, B.
Brown	Godshall	Miller	Smith, S. H.
Browne	Gruitza	Nailor	Snyder, D. W.
Bunt	Gruppo	Nickol	Stairs
Carone	Habay	Nyce	Steil
Chadwick	Haluska	O'Brien	Stern
Civera	Harhart	Olasz	Stish
Clymer	Hasay	Perzel	Taylor, E. Z.
Colaizzo	Hennessey	Petrarca	Taylor, J.
Conti	Herman	Pettit	Trelio
Cornell	Hershey	Phillips	Tulli
Cowell	Hess	Piccola	Vance
Coy	Horsey	Pistella	Walko

DeLuca	Hutchinson	Pitts	Waugh
Dempsey	Itkin	Preston	Wogan
Dermody	Jadlowiec	Ramos	Wright, D. R.
DiGirolamo	Kenney	Raymond	Wright, M. N.
Donatucci	King	Readshaw	Zimmerman
Druce	Krebs	Reinard	Zug
Durham	Lawless	Rieger	
Egolf	Leh	Rohrer	Ryan,
Fairchild	Lucyk	Rubley	Speaker
Fajt			

NOT VOTING-0

EXCUSED-4

Evans	Michlovic	Pesci	True
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendment No. A2275:

Amend Title, page 1, line 14, by inserting after "providing"  
for purposes and powers, for governing body and

Amend Bill, page 1, lines 17 through 19, by striking out all of said lines and inserting

Section 1. Clause (w) of subsection B and subsection E of section 4 of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, amended or added April 10, 1980 (P.L.105, No.41) and July 3, 1980 (P.L.360, No.91), are amended to read:

Section 4. Purposes and Powers; General.—\* \* \*

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

\* \* \*

(w) An Authority, created to provide business improvements and administrative services, may impose an assessment on each benefited property within a business improvement district which shall be based upon the estimated cost of the improvements or services in such district stated in the planning or feasibility study. For the purposes of this act, a benefited property may be defined as one that benefits from the improvements or services provided by the Authority, regardless of its tax status.

Such individual assessments shall be determined by one of the following methods:

(1) By an assessment determined by multiplying the total improvement or service cost by the ratio of the assessed value of the benefited property, as assessed by the Authority, to the total assessed valuation of all benefited properties in the district, as assessed by the Authority.

(2) By an assessment upon the several properties in the district in proportion to benefits as ascertained by viewers appointed in accordance with municipal law.

No assessment or charge shall be made unless such Authority has submitted the plan for business improvements and administrative services together with estimated costs and the proposed method of assessments for business improvements and charges for administrative services to the municipality in which the project is to be undertaken and the municipality shall have approved the plan, the estimated costs and the proposed method of assessment and charges.

There shall not be assessed any charges against the improved properties an aggregate amount in excess of the estimated cost.

Such Authority may by resolution authorize the payment of the assessment or charge in equal annual, or more frequent installments over such time and bearing interest at such rate not in excess of six per centum as may be specified in the resolution. Where bonds shall have been issued and sold, or notes or guarantees given or issued, to provide for the cost of the improvements or services the assessment in equal installments for bond repayment shall not be payable beyond the term for which the bonds, notes or guarantees are payable.

Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the form and shall be collected in the same manner as municipal claims are filed and collected notwithstanding the provisions of this section as to installment payments.

In the case of default in the payment of any installment and interest for a period of sixty days after it becomes due, the entire assessment and accrued interest shall be due.

Any owner of property, against whom an assessment has been made, may pay the same in full, at any time, with accrued interest and costs thereon, and such payment shall discharge the lien of such assessment.

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E. An Authority may be established to make business improvements or provide administrative services in districts designed herein by the municipality or municipalities acting jointly and zoned commercial or used for general commercial purposes or in contiguous areas, provided the inclusion of a contiguous area is directly related to the improvements and services proposed by such Authority.

Such Authority shall make planning or feasibility studies to determine needed improvements or administrative services. Written notice of the proposed improvement or service, the estimated cost thereof and the proposed method of assessment and charges and project cost to individual property owners shall be given to each property owner and commercial lessees in benefited properties in the district at least thirty days prior to the public hearing.

Such Authority shall be required to hold a public hearing on the proposed improvement or service, the estimated costs thereof and the proposed method of assessment and charges. Notice of such hearing shall be advertised at least ten days prior thereto in a newspaper whose circulation is within the municipality where such Authority is established. At such public hearing any interested party may be heard.

Such Authority shall take no further action on any proposed improvement or service if objection is made in writing by persons representing the ownership of one-third, in numbers of the benefited properties in the district or by property owners of the proposed district whose benefited property valuation as assessed for taxable purposes shall amount to more than one-third of the total benefited property valuation of the district. The Authority shall determine whether benefited properties that are exempt from payment of real estate taxes may or may not be assessed and may or may not be counted in the total number of benefited properties for this purpose. Objection shall be made within forty-five days after the conclusion of the public hearing on the proposed improvement or service. Objections must be in writing, signed and filed in the office of the governing body of the municipality in which the district is located and in the registered office of such Authority. If the Authority has no registered office, the objections, in writing, must be sent to the registered address of such an Authority.

Any property owner who has filed an objection as described above and wishes to withdraw that objection must file a notarized statement which states that he is withdrawing such objection, in the office of the governing body of the municipality in which the district is located and in the registered office of such Authority. If the Authority has no registered office, the notarized statement must be sent to the registered address of the Authority.

Section 2. Clause (b) of subsection A of section 7 of the act, amended March 14, 1978 (P.L. 12, No.7), is amended to read:

Section 7. Governing Body.—A. The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows:

\*\*\*

(b) If the Authority is incorporated by two or more municipalities, the board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority, but in no event less than five. When one or more additional municipalities join an existing Authority, each of such joining municipalities shall have such membership on the board as the municipalities then members of the Authority and the joining municipalities may determine by appropriate resolutions. The members of the board of a joint Authority shall each be appointed by the governing body of the incorporating or joining municipality he represents and their terms of office shall commence on the date of appointment. One member shall serve for one year, one for two years, one for three years, one for four years and one for five years from the first Monday in January next succeeding the date of incorporation, amendment or joinder, and if there are more than five members of the board, their terms shall be staggered in a similar manner for terms of from one to five years from the first Monday in January next succeeding. Thereafter, whenever a vacancy has occurred by reason of the expiration of the term of any member, the governing body of the municipality which has the power of appointment shall appoint a member of the board for a term of five years from the date of expiration of the prior term.

Except as herein provided for transit authorities created for the purpose of eliminating grade crossings the members of the board, each of whom shall be a taxpayer in, maintain a business in, or be a citizen of the municipality by which he is appointed or be a taxpayer in, maintain a business in, or be a citizen of a municipality into which one or more of the projects of the Authority extends or is to extend or to which one or more of said projects has been or is to be leased, shall be appointed, their terms fixed and staggered, and vacancies filled[ and where]. Where two or more municipalities are members of the Authority, the membership of the board shall be apportioned in such manner as the articles of incorporation, the amendments thereof or the application for membership required by section three point one of this act shall provide [not]. Not more than one [non-resident] person who is not a taxpayer in, does not maintain a business in, or is not a citizen of the municipality by which he is appointed shall be appointed to any board.

If the Authority, is created for the purpose of eliminating grade crossings, the members of the board, the majority of whom shall be citizens of the municipality by which they are appointed or of a municipality into which one or more of the projects of the Authority extends or is to extend or to which one or more of said projects has been or is to be leased, shall be appointed, their terms fixed and staggered, and vacancies filled, and where two or more municipalities are members of the Authority, shall be apportioned in such manner as the articles of incorporation, the amendments thereof or the application for membership required by section 3.1 of this act shall provide.

\*\*\*

Section 3. Section 7.1 of the act, added July 10, 1981 (P.L.221, No.70), is amended to read:

Amend Sec. 2, page 4, line 30, by striking out "2" and inserting

4

On the question,  
Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the Sturla amendment, the Chair recognizes the gentleman.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply affects business district authorities only.

It is an agreed-to amendment. The amendment itself does several things. It clarifies what a benefited property is in a business district authority; it gives authorities the prerogative to determine whether those benefited properties will be assessed or not; and it stipulates the manner in which a property owner can cancel a previously filed objection to the authority. Also, it clarifies the criteria for membership on the board of the business authorities.

This is supported by the downtown centers and the business districts throughout the State and I believe is not opposed by the Municipal Authorities Association.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-157

Allen	DiGirolamo	Masland	Scrimenti
Argall	Donatucci	Mayernik	Semmel
Armstrong	Egolf	McCall	Serafini
Baker	Fairchild	McGeehan	Shaner
Bard	Fajt	McGill	Smith, B.
Barley	Gamble	Melio	Smith, S. H.
Battisto	Geist	Mihalich	Snyder, D. W.
Bebko-Jones	George	Miller	Staback
Belardi	Gigliotti	Mundy	Stairs
Belfanti	Gordner	Nailor	Steelman
Birmelin	Gruitza	Nickol	Steil
Bishop	Gruppo	O'Brien	Stetler
Blaum	Haluska	Olasz	Stish
Boscola	Hanna	Oliver	Strittmatter
Browne	Hasay	Perzel	Sturla
Butkovitz	Hennessey	Petrone	Surra
Buxton	Hershey	Pettit	Tangretti
Caltagirone	Horsey	Piccola	Taylor, E. Z.
Cappabianca	Itkin	Pistella	Taylor, J.
Carn	James	Pitts	Thomas
Carone	Jarolin	Platts	Tigue
Cawley	Josephs	Preston	Travaglio
Chadwick	Kaiser	Ramos	Trello
Civera	Keller	Raymond	Trich
Clymer	Kenney	Readshaw	Tulli
Cohen, L. I.	Kirkland	Reber	Vance
Cohen, M.	Krebs	Richardson	Van Home
Colafella	Kukovich	Rieger	Veon
Conti	LaGrotta	Roberts	Vitali
Cornell	Laughlin	Robinson	Walko
Corpora	Lederer	Roebuck	Washington
Corrigan	Lescovitz	Rooney	Williams
Cowell	Levdansky	Rublely	Wogan
Coy	Lloyd	Rudy	Wozniak
Curry	Lucyk	Sainato	Wright, D. R.
Daley	Major	Santoni	Wright, M. N.
DeLuca	Manderino	Sather	Yewcic
Dent	Markosek	Saylor	Youngblood
Dermody	Marsico	Schuler	Zimmerman
DeWeese			

NAYS-41

Adolph	Feese	Jadlowiec	Reinard
Boyes	Fichter	King	Rohrer
Brown	Fleagle	Lawless	Schroder
Bunt	Flick	Leh	Sheehan
Clark	Gannon	Lynch	Stern
Colaizzo	Gladeck	Maitland	Waugh
Dempsey	Godshall	Merry	Zug
Druce	Habay	Micozzie	
Durham	Harhart	Nyce	Ryan,
Fargo	Hess	Petrarca	Speaker
Farmer	Hutchinson	Phillips	

NOT VOTING-1

Herman

EXCUSED-4

Evans                      Michlovic                      Pesci                      True

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman from York County, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I would like to move to suspend the rules to offer two further amendments, one by myself and one by Representative Clark.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Nickol, on suspension of the rules.

On the question,  
Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley. Mr. BARLEY. Thank you, Mr. Speaker.

Normally I would hesitate to do this, but I believe it is mainly for some technical reasons, and I support the Representative on his request to suspend the rules.

The SPEAKER. Does the gentleman, Mr. DeWeese, desire recognition? Does the gentleman yield to anyone? Is there anyone that desires your position?

Mr. DeWEESE. Mr. Speaker, have the amendments been circulated?

The SPEAKER. I understand they have.

Mr. DeWEESE. Mr. Speaker, I am under the impression from listening to members of my caucus that there is a difference of opinion as to the technical nature of these amendments and that some of them indeed are not technical. I think it would therefore be appropriate to ask for the suspension on an individual basis.

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley. Mr. BARLEY. Thank you, Mr. Speaker.

We are willing to seek a suspension for each amendment individually.

The SPEAKER. The Chair recognizes the gentleman, Mr. Nickol, who moves that— You must help me.

Mr. NICKOL. To suspend the rules for the offering of a purely technical amendment.

The SPEAKER. Which is amendment number what?

Mr. NICKOL. Amendment A2344.

The SPEAKER. The Chair thanks the gentleman.

On the question of suspension of the rules with respect to amendment A2344 to HB 1174.

On the question recurring,  
Will the House agree to the motion?

The following roll call was recorded:

YEAS-190

Adolph	Durham	Lucyk	Sather
Allen	Egolf	Maitland	Saylor
Argall	Fairchild	Major	Schroder
Armstrong	Fajt	Manderino	Schuler
Baker	Fargo	Markosek	Scrimenti
Bard	Farmer	Marsico	Semmel
Barley	Feese	Masland	Serafini
Battisto	Fichter	Mayernik	Shaner
Bebko-Jones	Fleagle	McCall	Sheehan
Belardi	Flick	McGeehan	Smith, B.
Belfanti	Gamble	Melio	Smith, S. H.
Birmelin	Gannon	Merry	Snyder, D. W.
Bishop	Geist	Micozzie	Staback
Blaum	George	Mihalich	Stairs
Boscola	Gigliotti	Miller	Steelman
Boyes	Gladeck	Mundy	Steil
Brown	Godshall	Nailor	Stern
Browne	Gordner	Nickol	Stetler
Bunt	Gruitza	Nyce	Stish
Butkovitz	Gruppo	O'Brien	Strittmatter
Buxton	Habay	Olasz	Sturla
Caltagirone	Haluska	Oliver	Surra
Cappabianca	Harhart	Perzel	Tangretti
Carn	Hasay	Petrarca	Taylor, E. Z.
Cawley	Hennessey	Petrone	Taylor, J.
Chadwick	Herman	Pettit	Thomas
Civera	Hershey	Phillips	Travaglio
Clark	Hess	Piccola	Trello
Clymer	Horsy	Pistella	Trich
Cohen, L. I.	Hutchinson	Pitts	Tulli
Cohen, M.	Itkin	Platts	Vance
Colafella	Jadlowiec	Preston	Van Horne
Colaizzo	James	Ramos	Veon
Conti	Jarolin	Raymond	Vitali
Cornell	Josephs	Readshaw	Walko
Corpora	Keller	Reber	Washington
Corrigan	Kenny	Reinard	Waugh
Cowell	King	Richardson	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Kukovich	Roberts	Wozniak
Daley	LaGrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Roebuck	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker

NAYS-7

Carone	Kaiser	Lynch	Tigue
Hanna	Krebs	McGill	

NOT VOTING-2

Dermody	Zug
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EXCUSED-4

Evans	Michlovic	Pesci	True
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. NICKOL offered the following amendment No. A2344:

Amend Sec. 1 (Sec. 7.1), page 2, line 11, by inserting brackets before and after the period and inserting immediately thereafter and the standard of prudence applicable to the State Employees' Retirement System set forth in 71 Pa.C.S. § 5931(a) (relating to management of fund and accounts).

Amend Sec. 1 (Sec. 7.1), page 2, lines 20 through 23, by striking out "AND THE STANDARD OF" in line 20, all of lines 21 and 22 and "FUND AND ACCOUNTS" in line 23

On the question,  
Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman.  
Mr. NICKOL. Thank you, Mr. Speaker.

POINT OF ORDER

Ms. MUNDY. Mr. Speaker?  
The SPEAKER. For what purpose does the lady, Ms. Mundy, from Luzerne rise?

Ms. MUNDY. Point of order, Mr. Speaker.  
The SPEAKER. Will the lady state her point of order.

Ms. MUNDY. My section over here does not have a copy of this amendment. It would be very helpful if we could have a copy before we begin the debate. Thank you.

The SPEAKER. I am under the impression that they have been passed out.

The gentleman may proceed.  
Mr. NICKOL. Thank you, Mr. Speaker.

This amendment is purely technical. There was a drafting error in an amendment added in committee. Language was incorrectly inserted into clause (b) of subsection D and it should be in subsection B. Unfortunately, not all B's are equal, so what we are doing is moving the prudent-person language to subsection B. Thank you, Mr. Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-198

Adolph	Durham	Lloyd	Sather
Allen	Egolf	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Farmer	Manderino	Semmel
Barley	Feese	Markosek	Serafini

Battisto	Fichter	Marsico	Shaner
Bebko-Jones	Fleagle	Masland	Sheehan
Belardi	Flick	Mayernik	Smith, B.
Belfanti	Gamble	McCall	Smith, S. H.
Birmelin	Gannon	McGeehan	Snyder, D. W.
Bishop	Geist	McGill	Staback
Blaum	George	Melio	Stairs
Boscola	Gigliotti	Merry	Steelman
Boyes	Gladeck	Micozzie	Steil
Brown	Godshall	Mihalich	Stern
Browne	Gordner	Miller	Stetler
Bunt	Gruitza	Mundy	Stish
Butkovitz	Gruppo	Nailor	Strittmatter
Buxton	Habay	Nickol	Sturla
Caltagirone	Haluska	Nyce	Surra
Cappabianca	Hanna	O'Brien	Tangretti
Carn	Harhart	Olasz	Taylor, E. Z.
Carone	Hasay	Oliver	Taylor, J.
Cawley	Hennessey	Perzel	Thomas
Chadwick	Herman	Petrone	Tigue
Civera	Hershey	Pettit	Travaglio
Clark	Hess	Phillips	Trello
Clymer	Horsey	Piccola	Trich
Cohen, L. I.	Hutchinson	Pistella	Tulli
Cohen, M.	Itkin	Pitts	Vance
Colafella	Jadlowiec	Platts	Van Horne
Colaizzo	James	Preston	Veon
Conti	Jarolin	Ramos	Vitali
Cornell	Josephs	Raymond	Walko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams
Coy	King	Richardson	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker

NAYS-1

Petrarca

NOT VOTING-0

EXCUSED-4

Evans	Michlovic	Pesci	True
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Clark. Mr. CLARK. Mr. Speaker, I would like to make a motion to suspend the rules to offer amendment 2365 to HB 1174.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Clark, to suspend the rules to permit him to offer amendment A2365.

On the question,  
Will the House agree to the motion?

The following roll call was recorded:

YEAS-190

Adolph	Druce	Lloyd	Sather
Allen	Durham	Lucyk	Saylor
Argall	Egolf	Maitland	Schroder
Armstrong	Fairchild	Major	Schuler
Baker	Fajt	Manderino	Scrimenti
Bard	Fargo	Markosek	Semmel
Barley	Farmer	Marsico	Serafini
Battisto	Feese	Masland	Shaner
Bebko-Jones	Fichter	Mayernik	Sheehan
Belardi	Fleagle	McCall	Smith, B.
Belfanti	Flick	McGeehan	Smith, S. H.
Birmelin	Gamble	McGill	Snyder, D. W.
Bishop	Gannon	Merry	Staback
Blaum	Geist	Micozzie	Stairs
Boscola	George	Mihalich	Steelman
Boyes	Gigliotti	Miller	Steil
Brown	Gladeck	Mundy	Stern
Browne	Godshall	Nailor	Stetler
Bunt	Gordner	Nickol	Stish
Butkovitz	Gruitza	Nyce	Strittmatter
Buxton	Gruppo	O'Brien	Sturla
Caltagirone	Habay	Oliver	Surra
Cappabianca	Haluska	Oliver	Tangretti
Carn	Harhart	Perzel	Taylor, E. Z.
Cawley	Hennessey	Petrarca	Taylor, J.
Chadwick	Herman	Petrone	Thomas
Civera	Hershey	Pettit	Trello
Clark	Hess	Phillips	Trich
Clymer	Horsey	Piccola	Tulli
Cohen, L. I.	Hutchinson	Pistella	Vance
Cohen, M.	Itkin	Pitts	Van Horne
Colafella	Jadlowiec	Platts	Veon
Colaizzo	James	Preston	Vitali
Conti	Jarolin	Ramos	Walko
Cornell	Josephs	Raymond	Washington
Corpora	Kaiser	Readshaw	Waugh
Corrigan	Keller	Reinard	Williams
Cowell	Kenney	Richardson	Wogan
Coy	King	Rieger	Wozniak
Curry	Kirkland	Roberts	Wright, D. R.
Daley	Kukovich	Robinson	Wright, M. N.
DeLuca	LaGrotta	Roebuck	Yewcic
Dempsey	Laughlin	Rohrer	Youngblood
Dent	Lawless	Rooney	Zimmerman
Dermody	Lederer	Rubley	Zug
DeWeese	Leh	Rudy	
DiGirolamo	Lescovitz	Sainato	Ryan,
Donatucci	Levdansky	Santoni	Speaker

NAYS-7

Carone	Hasay	Lynch	Tigue
Hanna	Krebs	Melio	

NOT VOTING-2

Reber	Travaglio
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EXCUSED-4

Evans	Michlovic	Pesci	True
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. CLARK offered the following amendment No. A2365:

Amend Title, page 1, line 14, by inserting after "for"  
membership of the board and for

Amend Bill, page 1, lines 17 through 19, by striking out all of said lines and inserting

Section 1. Section 7 of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, is amended by adding a subsection to read:

Section 7. Governing Body.—\*\*\*

A.1 If the Authority provides service outside the incorporating municipality's boundary to residents of another municipality, the authority shall be a joint authority for purposes of representation on the board. The governing body of the municipality receiving the service shall appoint one member to the board. The number of members on the board shall increase as consistent with this subsection. Terms of office for members appointed under this subsection shall be the same as provided for in subsection A.

\*\*\*

Section 2. Section 7.1 of the act, added July 10, 1981 (P.L.221, No.70), is amended to read:

Amend Sec. 2, page 4, line 30, by striking out "2" and inserting  
3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Clark.

Mr. CLARK. Thank you, Mr. Speaker.

What my amendment would do is it would provide representation on a municipal authority from areas which are served by that municipal authority outside of its incorporated boundary lines.

The situations that I have been encountering is that we have a municipal authority within a municipality's boundary which provides services outside of that boundary and it regulates the rates, the tap-on fees, service provided, and yet the members of the area outside of the incorporated boundary lines have no representation on the board and are not able to participate in the decisions which directly affect them, and therefore, I am offering this amendment which would provide them with representation into those situations. Thank you.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Clark amendment.

Representative Clark has certainly identified a problem that is occurring right now, but it does not solve the problem.

Currently under State statute, most of the authorities are five-member boards. So if you have a situation where you allow a municipality to have a member on the board, the vote is 5 to 1; the problem is not resolved. I do not think that our constituents want to be heard; I think they want to be heard and their problems solved, and Mr. Clark's amendment does not address that.

I would also like to inform the members that the Consumer Affairs Committee is already working on legislation that I think

addresses this problem and not only gives our constituents a voice but gives them a way to solve the problem.

So I would encourage the members to vote against the Clark amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

I, too, rise, albeit somewhat reluctantly, in opposition to the amendment by the gentleman, Mr. Clark. In addition to the comments made by the previous speaker, I would just like to point out that sometimes municipal authorities may only have service into a very small portion of a neighboring township, such as a water authority might only serve a few small communities in a neighboring township.

Also, a single municipal authority may serve upwards of 15, we have heard, municipalities as well, which to provide representation from each of those municipalities, when they may only serve a small portion of that municipality, would really have a disproportionate effect on the board, would put too much power in the hands of those municipalities.

Besides, in addition to that, the taxpayers of the borough for the original authority are the ones that back the bonds that finance the authority in the first place, and to significantly dilute their impact and representation, I do not think is good policy either.

So for those reasons I would urge the members of the General Assembly to oppose the Clark amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Clark amendment.

As the previous speaker just spoke, let me give you an example what could happen in Allegheny County. We have a sewerage authority that, if this bill would go through, would create 60 new members, 60 new members. We have a water authority in Allegheny County, if this bill would go through, that would create 40 new members.

This type of legislation would create a burden on the authority, and certainly, they would not be able to operate in a conclusive, good-government manner. This is one of the amendments, if we are talking about good government, that should not be adopted. When you create this type of burden on an authority and you have that many people who could sit on this authority, you, in all essence, will not be able to get anything done. Certainly, on bond issues, when they have to be expedited, these types of bond issues could go on for weeks or months, and certainly, we need to have a board that can conduct business in the right way, and this would only burden the other municipalities. Thank you.

I would appreciate a negative vote on this. Thank you very much. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Clark amendment, and I think it is important to note that everybody is saying that it does not address a problem, and it most certainly does address a problem. It addresses the problem of accountability. It addresses the problem about giving people a voice in how their money is going to be spent. It gives people the opportunity to get redress to correct a problem.

The problem in my district is that the incorporating municipality or municipalities have representation on authority boards. However, for those residents served by the authority outside the incorporating

municipality, those people do not have a voice; those people do not have any input on how the authority conducts business. So what is the problem with giving those authorities one person or at least one voice on how their money is going to be spent, on how business is going to be conducted, and at least giving them some form of redress to get problems corrected? They cannot go to a councilman, they cannot go to an authority member, if they live outside of those municipal boundaries.

Mr. Speaker, I think that this strikes at the heart of the issue, it strikes at the heart of giving these people some accountability on how these authorities operate, and I would urge the members to strongly support the Clark amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair is recognizing at this time the gentleman from Chester, Mr. Hennessey. The Chair has on its list the following members: Daley, Wright, Stairs, Piccola, Preston, and Waugh.

The Chair recognizes the gentleman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I also rise to oppose the Clark amendment.

I checked quickly with my own Coatesville Water Authority and found that they serve not only the city of Coatesville but 15 separate municipalities outside of their municipal boundaries. In one case, they serve one house in the adjoining county. They have a static 7-member board, but they could quickly be outnumbered 15 to 7 by people who have no vested interest, no ownership interest, in the physical plant or the workings of the authority. So under those circumstances, I think you can quickly see that control could move away from the people who actually own the authority to people who have less than a full interest in it.

I suggest that the amendment tries to address problems which we could address. First of all, they can have a voice in these meetings. The authority meetings are covered by the Sunshine Act, and they are entitled to be heard. Secondly, if we wish to in the future, perhaps we can make them nonvoting members of a board, but I suggest to you, it is wrong to make them voting members, and I ask that we defeat the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I also rise to support this amendment. I think it goes to the very heart of what we are doing, and that is in terms of representative democracy. What we have here is taxation without representation. We have municipalities that are being levied certain fees and have no input in the process.

I have one community, Carroll Township, that has the Carroll Township Authority, and they are in the Monongahela Authority. Monongahela has complete control of the sewage treatment plant. Right now Carroll Township residents owe \$1.3 million in excess-capacity charges that have been agreed to by the Monongahela Authority, and the residents of Carroll Township cannot change the contract. Carroll Township residents are paying \$96 a month in sewage fees because of this contract and have no say in the Monongahela Authority.

This amendment goes to the very heart of what we are doing. It is taxation without representation if we do not pass this. I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I will be brief. Most of the things that I would have said have already been said, but it is important, I think, to understand that this is a solution to a real problem.

The Consumer Affairs Committee went to Carbon County, and we heard horror stories about people who could not get any attention from their authorities, and it seems to me that this issue was settled somewhere around 1776, and Mr. Daley has aptly pointed out that the whole issue of taxation without representation was settled, and these people in Carbon County and counties, I am sure, in Mr. Clark's district are burdened by the fact that they have no say, they have no representative.

This is good government. We keep talking about bringing government back to the people, back to the local areas. What we ought to be able to say to the people of the local areas is, you do have representation on issues that affect you directly and affect you every day of your life.

This is a good amendment, and I urge its adoption.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I certainly support the idea of Representative Clark in trying to solve a very acute problem because I am aware of what he is talking about, but unfortunately, I cannot agree with the way he goes about this, and I give an example in my county.

We have a very large municipal authority in Westmoreland County, and because they do such a good job, we have gone into a neighboring county, in Allegheny County, and are now servicing a number of communities, maybe a dozen communities in Allegheny County, and if certainly this idea would become a reality, we would have the tail wagging the dog. Certainly, a county with a number of communities would have more people on the board than the actual county or the actual municipality that has the authority.

So I think we have to address this concern, and I would suggest that we address this by turning it over to either the Local Government Committee or Consumer Affairs Committee. Let them sit down in a deliberate manner and not try to solve it by suspending the rules on an amendment that we have no recollection of or we have not investigated, and let us do it deliberately, sitting down in the committee structure, rather than trying to very quickly and maybe not the right way by suspending the rules and solving the problem.

So I would hope that we could vote "no" on this, and let us do it the right way in the committee structure. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

It appears quite clear from the debate and who is speaking in favor of this amendment and who is speaking against it that this problem is a problem for rural Pennsylvania primarily. I know that the rural portion of my district needs this kind of an amendment, because the problem is the fact that municipal authorities that provide public utilities are not regulated by the PUC (Public Utility Commission), and the only recourse that a customer has, if they feel that their rates or their service are not proper or equitable, is to sue in the court of common pleas of the county in which that municipality is located. For most consumers, either individually or collectively, particularly in rural Pennsylvania, this is simply an insurmountable way to enforce fairness, and the PUC, of course, is not involved.

Mr. Clark is attempting to approach the problem in a way that I happen to support, and I would vote for his amendment.

Mr. DeLuca and others have raised concerns about the fact that some authorities, the way they are structured and the way they are laid out on various municipalities, would be unwieldy; they would be too large. There would be the requirement that more members than would be practical would have to be appointed.

### MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

Mr. PICCOLA. I think the Clark amendment can be redrafted to address what is a real problem in Pennsylvania in such a way that it will not impact on the areas of this Commonwealth where this amendment would adversely impact.

I would therefore move, Mr. Speaker, that this bill be passed over until next Monday.

### PARLIAMENTARY INQUIRY

Mr. COY. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman, Mr. Coy, is recognized on a point of parliamentary inquiry.

Mr. COY. Is the motion to go over the bill in order when the amendment is before the House?

The SPEAKER. A motion is in order. The correct motion would be to postpone, but that motion can be restated.

Mr. COY. Without disposition of the amendment?

The SPEAKER. Yes.

Mr. COY. Thank you, Mr. Speaker.

The SPEAKER. With the gentleman from Dauphin's permission, I will restate the motion.

The gentleman moves that HB 1174, with amendments, be postponed until Monday.

Mr. PICCOLA. If I could amend that, Mr. Speaker, and make it until Tuesday, because as I understand it, according to the rules, an amendment would have to be submitted within the next 15 minutes, and that would probably be impractical, so I would suggest it be until Tuesday.

The SPEAKER. The gentleman, Mr. Piccola, moves that HB 1174, together with amendments, be postponed until session Tuesday, May 9, 1995.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Piccola.

Mr. PICCOLA. On the motion to postpone?

The SPEAKER. Yes.

Mr. PICCOLA. Well, I believe, Mr. Speaker, that I had indicated in my remarks on the amendment the reason that I made the motion. I think Mr. Clark and a number of others who have risen to support the amendment have pointed out that there is a problem. There is a problem. I know it from my own district. I can indicate to the members where authorities are created and they serve a neighboring municipality with a few people in it, and the service is inadequate in those municipalities, the rates are different and they are unfair, and the only recourse for those people in those other municipalities is to go to the court of common pleas of their county, and that is not a practical solution, because it is very expensive to hire counsel and to

petition the court and to have a hearing. They are not subject to regulation by the PUC. They are not politically accountable because these people live in a neighboring municipality.

I think the Clark amendment could be redrafted to address the concerns raised by Mr. DeLuca and others, but I think he is going to need a little bit of time to do it, and I would ask that the bill be postponed to do that.

### PARLIAMENTARY INQUIRY

Mr. KUKOVICH. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. KUKOVICH. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KUKOVICH. If the motion to postpone would pass, does that mean that I could next week then offer my amendments that I withdrew?

The SPEAKER. Of course, all amendments. Everybody could have amendments drafted. The field is wide open for amendments because the motion is until Tuesday so amendments can be drafted.

Mr. KUKOVICH. Thank you, Mr. Speaker.

The SPEAKER. What if any gentleman's agreement you may have had on the withdrawal of your amendments is something that I am not addressing, if in fact you had such an agreement.

Mr. KUKOVICH. Thank you.

Mr. COY. Mr. Speaker?

The SPEAKER. Mr. Coy.

Mr. COY. On the motion.

The SPEAKER. On the motion, the gentleman is recognized.

Mr. COY. Thank you, Mr. Speaker.

I was on my feet to speak on the Clark amendment, which I believe to be very applicable, and the remarks that the gentleman, Mr. Piccola, made about its application in rural Pennsylvania, I think, are very clear. Therefore, if the motion passes, I would encourage the gentleman, Mr. Clark, to pursue the substance of his amendment, which I think is also very good for other parts of the State as well as rural Pennsylvania.

The gentleman, Mr. Wright, stated it very well with remarks about taxation without representation. The truth of the matter is, if you are going to do anything to open up the process, you probably cannot do it better than to put elected or appointed representatives that represent constituencies that are affected by the bill. Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Druce, on the question.

Mr. DRUCE. I have a parliamentary inquiry.

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. DRUCE. Mr. Speaker, listening to the debate here and the concern that many members have about authorities, it seems to me that simply postponing until Tuesday, until we figure out a less onerous way to halfheartedly deal with the problem, that it would make more sense from public policy to refer this back to Consumer Affairs, as the chairwoman indicated, and deal with this comprehensively.



Would a motion to refer to Consumer Affairs take precedence over a motion to postpone?

The SPEAKER. No. In answer to your question, the motion to postpone has precedence.

Mr. DRUCE. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel. Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, if there is a problem with the amendment, then we should withdraw the amendment and deal with the substance of the amendment in committee. Representative Durham, the chairperson of the Consumer Affairs Committee, has made a commitment that she is going to work on this and will be sending a bill to the floor.

So with that, Mr. Speaker, I would have to object to the motion to postpone.

The SPEAKER. The gentleman, Mr. Clark, is recognized on the question of the motion to postpone.

Mr. CLARK. Mr. Speaker, I would like to support Representative Piccola's motion to postpone. I think this is a matter of particular importance and a problem in rural Pennsylvania and I think outside.

I agree with Representative Coy's representations as to taxation without representation and having tap-on fees and services provided when decent, hard-working individuals do not have an opportunity to influence those decisions.

I was not aware that this bill was moving today because of some amendments that were made in the Appropriations Committee and a new printer's number being assigned to this bill, and I had this amendment to this bill in a prior printer's number, and I was of the assumption that staff was following this and that I was having a proper opportunity to amend this bill. I learned today at 10 minutes of 11 that I did not have an opportunity to amend this bill, and that is why we got into the suspension of the rules.

I would really appreciate it if the membership would indulge and permit me to work on this issue so that we can amend this bill and that I can have the input in this process that Representative Kukovich had this morning when he negotiated his amendments and had them agreed to. Thank you very much.

### PARLIAMENTARY INQUIRY

Mr. COY. Mr. Speaker?

The SPEAKER. Mr. Coy for the second time on the question of postponement.

Mr. COY. No, not for the second time. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair apologizes to the gentleman, Mr. Coy.

Mr. COY. Did the gentleman, Mr. Druce, make a motion to refer the bill to the Committee on Consumer Affairs?

The SPEAKER. The gentleman, Mr. Druce, as I recall, inquired of the Chair if such a motion would take priority or precedence over the motion of the gentleman, Mr. Piccola, to postpone—

Mr. COY. And the Chair's reply?

The SPEAKER. —and the Chair's response was, no, it would not.

Mr. COY. So therefore, the motion to postpone takes precedence?

The SPEAKER. Yes. That was my answer to the gentleman, Mr. Druce, and my answer to you if that is a question.

Mr. COY. Thank you, Mr. Speaker.

### LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I would just like to call to the attention of the members of the Liquor Control Committee that we will have a brief meeting in the rear of the House after the adjournment. Thank you.

### CONSIDERATION OF HB 1174 CONTINUED

The SPEAKER. The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, at the end of session today, there will be a call for a meeting of the Consumer Affairs Committee in the back of the hall of the House, at which time we will be moving Mr. Clark's bill along with his amendment to put it on the floor of the House of Representatives, Mr. Speaker, for Tuesday, for a vote.

The SPEAKER. The Chair thanks the gentleman.

Now, my question is, does that affect in any way the motion of the gentleman, Mr. Piccola? That is what is before the House right now.

### MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I withdraw my motion.

The SPEAKER. The Chair thanks the gentleman.

### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Clark.

Mr. CLARK. And I withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes the Democratic floor leader, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would just like to congratulate Mr. Clark on his adroit political and legislative maneuvering. Thank you.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-187

Adolph	Durham	Lescovitz	Santoni
Allen	Egolf	Levdansky	Sather
Argall	Fairchild	Lloyd	Saylor
Armstrong	Fajt	Lucyk	Schroder
Baker	Fargo	Lynch	Schuler
Bard	Farmer	Maitland	Scrimenti
Barley	Fichter	Major	Semmel
Battisto	Fleagle	Manderino	Serafini
Bebko-Jones	Flick	Markosek	Shaner
Belardi	Gamble	Marsico	Sheehan
Belfanti	Gannon	Masland	Smith, B.
Birmelin	Geist	Mayernik	Smith, S. H.
Bishop	George	McCall	Snyder, D. W.
Boscola	Gigliotti	McGeehan	Staback
Boyes	Gladeck	McGill	Stairs
Brown	Godshall	Melio	Steelman
Browne	Gordner	Merry	Steil
Bunt	Gruitza	Micozzie	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Habay	Nickol	Stish
Caltagirone	Haluska	Nyce	Sturla
Cappabianca	Hanna	O'Brien	Tangretti
Carn	Harhart	Olasz	Taylor, E. Z.
Carone	Hasay	Oliver	Taylor, J.
Cawley	Hennessey	Perzel	Thomas
Chadwick	Herman	Petrone	Tigue
Civera	Hershey	Pettit	Travaglio
Clark	Hess	Phillips	Trello
Clymer	Horsey	Piccola	Trich
Cohen, L. I.	Hutchinson	Pistella	Tulli
Cohen, M.	Itkin	Pitts	Vance
Colafrilla	Jadlowiec	Platts	Van Horne
Colaizzo	James	Preston	Vitali
Conti	Jarolin	Ramos	Walko
Cornell	Josephs	Raymond	Washington
Corpora	Kaiser	Readshaw	Waugh
Corrigan	Keller	Reber	Williams
Cowell	Kenney	Reinard	Wogan
Coy	King	Richardson	Wozniak
Curry	Kirkland	Rieger	Wright, M. N.
Daley	Krebs	Roberts	Yewcic
DeLuca	Kukovich	Robinson	Youngblood
Dent	LaGrotta	Roebuck	Zimmerman
Dermody	Laughlin	Rohrer	Zug
DeWeese	Lawless	Rubley	
DiGirolamo	Lederer	Rudy	Ryan,
Donatucci	Leh	Sainato	Speaker
Druce			

NAYS-11

Blaum	Mundy	Rooney	Veon
Dempsey	Nailor	Strittmatter	Wright, D. R.
Feese	Petrarca	Surra	

NOT VOTING-1

Mihalich

EXCUSED-4

Evans	Michlovic	Pesci	True
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Ms. STEELMAN called up **HR 141, PN 1828**, entitled:

A Resolution proclaiming May 7 through 13, 1995, as "National Drinking Water Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Lucyk	Sather
Allen	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schuler
Armstrong	Fargo	Major	Scrimenti
Baker	Farmer	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Shaner
Battisto	Fleagle	Masland	Sheehan
Bebko-Jones	Flick	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McGill	Staback
Bishop	George	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Nailor	Strittmatter
Butkovitz	Habay	Nickol	Sturla
Buxton	Haluska	Nyce	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhart	Olasz	Taylor, E. Z.
Carn	Hasay	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Petrarca	Tigue
Chadwick	Hershey	Petrone	Travaglio
Civera	Hess	Pettit	Trello
Clymer	Horsey	Phillips	Trich
Cohen, L. I.	Hutchinson	Piccola	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colafrilla	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Richardson	Wozniak
Daley	Krebs	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	Wright, M. N.
Dempsey	LaGrotta	Robinson	Yewcic
Dent	Laughlin	Roebuck	Youngblood
Dermody	Lawless	Rohrer	Zimmerman
DeWeese	Lederer	Rooney	Zug
DiGirolamo	Leh	Rubley	
Donatucci	Lescovitz	Rudy	Ryan,
Druce	Levdansky	Sainato	Speaker
Durham	Lloyd	Santoni	

NAYS-0

NOT VOTING-2

Clark Schroder

EXCUSED-4

Evans Michlovic Pesci True

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED**

**HB 292, PN 285** By Rep. MERRY

An Act authorizing the imposition of temporary countywide burn bans under certain circumstances; and providing penalties for violations.

LOCAL GOVERNMENT.

**HB 1420, PN 1659** By Rep. DURHAM

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for regulation of motor carriers of property.

CONSUMER AFFAIRS.

**SB 655, PN 687** By Rep. DURHAM

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for manufacture, distribution or possession of devices for theft of telecommunications services.

CONSUMER AFFAIRS.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the gentleman, Mr. Pitts. Mr. PITTS. Mr. Speaker, I move that SB 655 be removed from the table.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Pitts. Mr. PITTS. Mr. Speaker, I move that SB 655 be recommitted to the Committee on Appropriations.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

The SPEAKER. Upon the declaration of the recess from the special session, there will be a meeting of the regular session of the Liquor Control Committee at the back of the House.

**ANNOUNCEMENT BY MR. PITTS**

The SPEAKER. The Chair recognizes the gentleman, Mr. Pitts, for the purpose of an announcement.

Mr. PITTS. Thank you, Mr. Speaker.

I just want to remind the members that next week, beginning Tuesday evening, we will have the Pennsylvania Community Hope Summit. It will go through Wednesday here in the chamber. If you are having dinner with us Tuesday evening at the Hilton at 7 o'clock, please call Joanne in my office so that you will have a reservation.

U.S. Senator Rick Santorum is our speaker. There will be other special guests there on Tuesday evening and all day Wednesday here in the chamber except for the break for session over the noon hour. We will be meeting with the grassroots leaders from around Pennsylvania and interacting with them. All members are invited to attend, and the standing committees have been requested to attend the various panel sessions.

So please read your mail. If you have a reservation for Tuesday evening, please call my office. Thank you, Mr. Speaker.

**HOUSE BILLS INTRODUCED AND REFERRED**

**No. 1527** By Representatives GRUPPO, BOYES, CAWLEY, DENT, STERN, TIGUE, ZUG, KUKOVICH, CAPPABIANCA, MANDERINO, SATHER, MELIO, LYNCH, FAIRCHILD, PISTELLA, REBER, STAIRS, L. I. COHEN, BOSCOLA, TRAVAGLIO, SCRIMENTI, PETRONE, LUCYK, McCALL, FICHTER, GORDNER, SEMMEL, GEORGE, BELARDI, MICOZZIE, McGEEHAN, NYCE, YOUNGBLOOD, LEVDANSKY, COLAFELLA, FAJT, LEDERER, SCHRODER, RUBLEY, MERRY, O'BRIEN, CORNELL, GANNON, BUNT, DeLUCA, M. N. WRIGHT, HERMAN, READSHAW, GODSHALL, TRELLO, BARD, ROONEY, SANTONI, STISH, B. SMITH, ROBERTS, HANNA, CARONE, HALUSKA, HENNESSEY, E. Z. TAYLOR, WALKO, PLATTS, BAKER, SURRA and BROWNE

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, further defining "maximum annual income."

Referred to Committee on FINANCE, May 3, 1995.

**No. 1528** By Representatives PITTS, ITKIN, ALLEN, MUNDY, CLARK, SCHULER, TANGRETTI, JAROLIN, TULLI, PRESTON, BAKER, EGOLF, HARHART, LEVDANSKY, SERAFINI, FAIRCHILD, S. H. SMITH, LUCYK, COLAIZZO, BOSCOLA, FLICK, VANCE, ARGALL, TRUE, ARMSTRONG, DEMPSEY, MILLER, NICKOL, SHANER, GORDNER, DRUCE, STEIL, BATTISTO, STISH, ROBINSON, HENNESSEY, KAISER, HASAY, LAUGHLIN, HALUSKA, MARSICO, SEMMEL, LYNCH, NAILOR, RUBLEY, CONTI, BELARDI, SAYLOR, HERSHEY, MANDERINO, PETTIT, L. I. COHEN, BROWNE, CORNELL, DeLUCA, GIGLIOTTI, McCALL, FARGO, PESCI, D. W. SNYDER, SANTONI, TRAVAGLIO, STURLA, YOUNGBLOOD, DiGIROLAMO, B. SMITH, TIGUE, FARMER, HERMAN, GEIST, STABACK, ROONEY, KING, RAYMOND,

TRELLO, NYCE, CAPPABIANCA, MELIO, BARD, FAJT, E. Z. TAYLOR, BROWN, MERRY, WALKO and HESS

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, authorizing highway litter programs.

Referred to Committee on LOCAL GOVERNMENT, May 3, 1995.

**No. 1529** By Representatives NICKOL, GODSHALL, BROWN, HERSHEY, PITTS, RUBLEY, SATHER, ARMSTRONG, NAILOR, BUNT, FLICK, BATTISTO, PRESTON, LEVDANSKY, D. W. SNYDER, HUTCHINSON, SAYLOR, RAYMOND, PLATTS, E. Z. TAYLOR, TRICH, MELIO, HALUSKA and HENNESSEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a two-thirds vote of members of the board for major new construction.

Referred to Committee on EDUCATION, May 3, 1995.

**No. 1530** By Representatives STERN, PETTIT, MARKOSEK, FLEAGLE, GEIST, LaGROTTA, COLAFELLA, HESS, READSHAW, SATHER, HENNESSEY, STISH, MELIO, FARGO, McGEEHAN, FAJT, DONATUCCI, MERRY, RAYMOND, COLAIZZO and LEH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the suspension of operating privileges of drivers convicted of theft of motor fuel by driving away from retail dispensers.

Referred to Committee on TRANSPORTATION, May 3, 1995.

**No. 1531** By Representatives MELIO, JAROLIN, CORRIGAN, BELARDI, TRELLO, BATTISTO, PETTIT, SEMMEL, YOUNGBLOOD, ITKIN, COLAIZZO, COLAFELLA, GIGLIOTTI, BEBKO-JONES and TANGRETTI

An Act authorizing a uniform construction code; providing for enforcement and for penalties; and making repeals.

Referred to Committee on LOCAL GOVERNMENT, May 3, 1995.

**No. 1532** By Representatives KENNEY, D. R. WRIGHT, TULLI, BELARDI, MELIO, JAROLIN, MANDERINO, JOSEPHS, KUKOVICH, BARD, CLARK, CURRY, STABACK, LAUGHLIN, PLATTS, RAYMOND, TRUE, BELFANTI, DeLUCA, TRELLO, O'BRIEN, WALKO, MILLER, E. Z. TAYLOR and SERAFINI

An Act providing for certain health insurance policies to cover the cost of formulas necessary for the treatment of phenylketonuria and related disorders.

Referred to Committee on INSURANCE, May 3, 1995.

**No. 1533** By Representatives WOGAN, FAJT, BELARDI, O'BRIEN, FICHTER, MASLAND, ARMSTRONG, SATHER, McGEEHAN, J. TAYLOR, FARGO, BAKER, CLARK, TRELLO, NYCE, KENNEY, DEMPSEY, SAYLOR, PETTIT, BATTISTO,

STISH, BUNT, SERAFINI, STABACK, HASAY, MICHLOVIC, HALUSKA, BUTKOVITZ, KELLER, LEH, MERRY, SEMMEL, GEIST, DeLUCA, MILLER, DiGIROLAMO, STRITTMATTER, B. SMITH and BROWNE

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for powers of parole and probation officers.

Referred to Committee on JUDICIARY, May 3, 1995.

**No. 1534** By Representatives CURRY, DeLUCA, FEESE, WAUGH, HERMAN, MARKOSEK, MARSICO, STABACK, PISTELLA, COY, JAMES, HASAY, CARONE, I. LYNCH, BROWNE, MELIO, L. I. COHEN, BUNT, FLICK, MILLER, WALKO and MERRY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, repealing certain provisions imposing sales and use tax on lawn care services.

Referred to Committee on FINANCE, May 3, 1995.

**No. 1535** By Representatives CURRY, ROONEY, VEON, STEELMAN, ITKIN, BEBKO-JONES, RUDY, MUNDY, OLASZ, JOSEPHS, YOUNGBLOOD, ROEBUCK, MERRY and RICHARDSON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting certain individuals from preventing others from entering or leaving a medical facility; providing exceptions; imposing penalties; and imposing civil remedies.

Referred to Committee on JUDICIARY, May 3, 1995.

**No. 1536** By Representatives CURRY, ROONEY, VEON, STEELMAN, ITKIN, BEBKO-JONES, RUDY, MUNDY, OLASZ, JOSEPHS, YOUNGBLOOD, ROEBUCK, MERRY and RICHARDSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain individuals from preventing others from entering or leaving a medical facility; providing exceptions; and imposing penalties.

Referred to Committee on JUDICIARY, May 3, 1995.

**No. 1537** By Representatives CURRY, ROONEY, VEON, STEELMAN, ITKIN, BEBKO-JONES, RUDY, MUNDY, OLASZ, JOSEPHS, YOUNGBLOOD, ROEBUCK, MERRY and RICHARDSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing civil remedies against certain activities at medical facilities.

Referred to Committee on JUDICIARY, May 3, 1995.

**No. 1538** By Representatives BROWNE, DENT, FICHTER, TRELLO, RUBLEY, READSHAW, EGOLF, M. N. WRIGHT, WALKO, CLARK, D. W. SNYDER, L. I. COHEN, ROONEY,

PLATTS, BOSCOLA, YOUNGBLOOD, J. TAYLOR, ARGALL, HABAY, HARHART, DURHAM and WOGAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the carryover period for neighborhood assistance tax credit.

Referred to Committee on FINANCE, May 3, 1995.

**No. 1539** By Representatives BROWNE, DENT, FICHTER, TRELLO, RUBLEY, READSHAW, EGOLF, M. N. WRIGHT, WALKO, CLARK, D. W. SNYDER, L. I. COHEN, ROONEY, PLATTS, BOSCOLA, YOUNGBLOOD, J. TAYLOR, ARGALL, HABAY, HARHART, DURHAM and WOGAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, extending the Neighborhood Assistance Tax Credit to business entities subject to taxes imposed under Article III.

Referred to Committee on FINANCE, May 3, 1995.

**No. 1540** By Representatives CORNELL, FICHTER, GEIST, SATHER, MELIO, PESCI, HENNESSEY, SEMMEL, TRELLO, SAYLOR, BAKER, LAUGHLIN, MILLER, STABACK, ITKIN, RAYMOND, J. TAYLOR, MERRY, BATTISTO and BELFANTI

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for general health administration.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 3, 1995.

**No. 1541** By Representatives CORNELL, SATHER, GEIST, BOYES, LUCYK, BUNT, STERN, COY, FLICK, FICHTER, LEVDANSKY, HERMAN, DALEY, CONTI, GLADECK, CAWLEY, OLASZ, DEMPSEY, CURRY, DeLUCA, STABACK, HENNESSEY, MICOZZIE, STAIRS, ROBERTS, BELFANTI, MILLER, ROONEY, MELIO, O'BRIEN, TRELLO, SCHULER, KENNEY, VAN HORNE, LAUGHLIN, JADLOWIEC, E. Z. TAYLOR, J. TAYLOR, YOUNGBLOOD, L. I. COHEN, BROWNE, WALKO, RICHARDSON and CIVERA

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, further defining "income" for purposes of pharmaceutical assistance for the elderly.

Referred to Committee on FINANCE, May 3, 1995.

**No. 1542** By Representatives CORNELL, BUNT, PESCI, FICHTER, TRELLO, GODSHALL, GEIST, ROONEY, J. TAYLOR, CIVERA, CLARK and THOMAS

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, eliminating certain requirements for notarial seals, and making a repeal.

Referred to Committee on STATE GOVERNMENT, May 3, 1995.

**No. 1543** By Representatives CORNELL, PESCI, BUNT, FICHTER, TRELLO, GODSHALL, L. I. COHEN, CLARK, THOMAS, J. TAYLOR and CIVERA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidate and political committees and other persons.

Referred to Committee on STATE GOVERNMENT, May 3, 1995.

**No. 1544** By Representatives CORNELL, FICHTER, MELIO, BUNT, DeLUCA, TRELLO, LAUGHLIN, J. TAYLOR and BATTISTO

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, changing the day for nonpresidential general primaries and municipal primaries.

Referred to Committee on STATE GOVERNMENT, May 3, 1995.

**No. 1545** By Representatives CORNELL, ARGALL, BELFANTI and PESCI

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, increasing the rate of interest charged for late payment of taxes.

Referred to Committee on LOCAL GOVERNMENT, May 3, 1995.

**No. 1546** By Representatives CORNELL, GEIST, HENNESSEY and MELIO

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, authorizing taxation for the purpose of collecting and disposing garbage and other refuse materials.

Referred to Committee on LOCAL GOVERNMENT, May 3, 1995.

**No. 1547** By Representatives CORNELL, LYNCH, SATHER, L. I. COHEN and TRELLO

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, further providing for the sale of fireworks.

Referred to Committee on JUDICIARY, May 3, 1995.

**No. 1548** By Representatives CORNELL, GEIST, FICHTER, L. I. COHEN, BROWNE, GANNON and YOUNGBLOOD

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, prohibiting certain taxes on roller-skating rinks.

Referred to Committee on LOCAL GOVERNMENT, May 3, 1995.

**No. 1549** By Representatives CORNELL, SEMMEL, FAIRCHILD, SAYLOR, J. TAYLOR, FICHTER, TIGUE, HENNESSEY, DALEY, PESCI, FARGO, SATHER and OLASZ

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, providing for the payment of interest by residential mortgage lenders on certain amounts held in escrow.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, May 3, 1995.

**No. 1550** By Representatives CORNELL, FICHTER, ARMSTRONG, NYCE, RUBLEY, FARGO, PESCI, LEH, HABAY, TIGUE, E. Z. TAYLOR and L. I. COHEN

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for appointments to the Board of Assessment Appeals.

Referred to Committee on LOCAL GOVERNMENT, May 3, 1995.

**No. 1551** By Representatives ROONEY, COLAFELLA, MELIO, SATHER, STABACK, YOUNGBLOOD, KENNEY, STURLA, SURRA, MICHLOVIC and NAILOR

An Act providing for viatical settlements and for powers and duties of the Insurance Department.

Referred to Committee on INSURANCE, May 3, 1995.

**No. 1552** By Representatives ROONEY, STABACK, MELIO, ITKIN, TULLI, YOUNGBLOOD, TRELLO, RICHARDSON and WOZNIAK

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for acquisition of air rights.

Referred to Committee on TRANSPORTATION, May 3, 1995.

**No. 1553** By Representatives ROONEY, COY, RUBLEY, WALKO, SCHULER, PLATTS and BELARDI

An Act amending the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, further providing for pari-mutuel pool retention percentages, distribution and taxation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 3, 1995.

**No. 1554** By Representatives ALLEN, BOYES, TRELLO, RAYMOND, LUCYK, ARGALL, NYCE, FARGO, CLARK, BELFANTI, BROWNE, FICHTER, RUBLEY, HERMAN, McCALL, KENNEY, MERRY, HUTCHINSON, MAITLAND, PESCI, BATTISTO and HALUSKA

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for biennial licensure of lottery agents.

Referred to Committee on FINANCE, May 3, 1995.

## HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 137** By Representatives HALUSKA, REBER, GODSHALL, MICHLOVIC, DeWEESE, READSHAW, FICHTER, LYNCH, BAKER, OLASZ, M. N. WRIGHT, MERRY, ARGALL, RUBLEY, STABACK, BELARDI, COY, CARONE, VAN HORNE, L. I. COHEN, GEIST, SHANER, MELIO, WALKO, CAPPABIANCA, ITKIN, HORSEY, JAROLIN, TRELLO, YEWIC, HERMAN, DeLUCA, MIHALICH, JOSEPHS and STERN

A Resolution directing the Tourism and Recreational Development Committee and the Environmental Resources and Energy Committee jointly to study, evaluate and make recommendations regarding the establishment of overnight facilities and associated amenities on Commonwealth-owned lands.

Referred to Committee on RULES, May 3, 1995.

**No. 138** By Representatives CAPPABIANCA, GEORGE, COLAIZZO, VEON, GORDNER, MARKOSEK, COLAFELLA, McCALL, ROEBUCK, BELARDI, YEWIC, SHANER, DeLUCA, ROBINSON, VAN HORNE, LEVDANSKY, BELFANTI, LAUGHLIN, MIHALICH, WILLIAMS, MELIO, J. TAYLOR, GIGLIOTTI, ROONEY, OLASZ, ITKIN, COWELL, PETTIT, MUNDY, TRELLO, HANNA, ROBERTS, NYCE, PISTELLA, BOSCOLA, STURLA, BAKER, LUCYK, TRICH, JOSEPHS, WALKO, SURRA, BATTISTO, L. I. COHEN, MANDERINO, WASHINGTON, CURRY, MERRY, BEBKO-JONES, SCRIMENTI, CAWLEY, STABACK, BUXTON, YOUNGBLOOD, M. N. WRIGHT, KING, SERAFINI and FAJT

A Resolution urging the President of the United States and Congress to oppose cuts in the Low-Income Home Energy Assistance Program.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 3, 1995.

## RECESS

The SPEAKER. Does the Republican leader or Democrat leader have any further business in regular session at this time? Any business in regular session at this time?

Hearing none, regular session will stand in recess to the call of the Chair.

## AFTER RECESS

The time of recess having expired, the House was called to order.

## PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman, Mr. Wright. For what purpose does the gentleman rise?

Mr. D. R. WRIGHT. Point of parliamentary inquiry.

The SPEAKER. Will the gentleman state his point of inquiry.

Mr. D. R. WRIGHT. Did you call for the Committee on Consumer Affairs?

The SPEAKER. I am about to recognize the lady, Mrs. Durham. I could not do that during special session.

### CONSUMER AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Thank you.

Mr. Speaker, at the request of Representative Clark, the Consumer Affairs Committee will meet on Tuesday, time and place to be announced. They will not meet today. Thank you.

The SPEAKER. Mr. Clark has requested a delay, apparently, in the meeting, and there will be no meeting of the Consumer Affairs Committee today.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. At the reception at the visitors center, apparently a hearing aid was found. If anyone knows who lost it, it is at the Chief Clerk's Office.

Any of the members that are listening, if you have not been to the Welcome Center, you should go down and take a look at it, familiarize yourself with it, and recommend particularly that any of your students in town visiting make a trip through the center. You should also check your own biographies.

### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as a special guest of the prior Speaker of this House, Linda Dudjak, a clinical administrator from the University of Pittsburgh's Medical Center. We are very pleased to welcome her to the hall. It is a shame that she was not here while we were a little bit busier.

The Chair understands that there is a group of students in the balcony from the legislative district of Representative Waugh in York County from Southern Elementary School. Would those students please rise. We apologize to you wonderful students for our sparse numbers, but you happened to come in at a time when we were finishing up our day's work. We would hope that you would come to Harrisburg again on another day when perhaps the hall is filled and all of our members can clap and cheer your presence here in the hall of the House, but you are welcomed to Harrisburg, and we look forward to seeing you again.

### BILL REREPORTED FROM COMMITTEE

**HB 1334, PN 1831** (Amended)

By Rep. SERAFINI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for stadium and restaurant licenses in third class cities.

LIQUOR CONTROL.

### BILL AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the remaining bill and resolutions on today's calendar will be passed over. The Chair hears no objection.

### ADJOURNMENT

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the gentleman from Montgomery County, Mr. McGill.

Mr. MCGILL. Mr. Speaker, I move that this House do now adjourn until Monday, May 8, 1995, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:55 p.m., e.d.t., the House adjourned.